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OCT 17 2003

Department of Water Resources

702 OCT 16 AM 11:01

65-11412A
J. B. B. B.
[Signature]

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 65-11412
	)	and 65-11412A

I. FINDINGS OF FACT

Notices of claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

The objection to water right 65-11412 was resolved with the filing of a *Standard Form 5*. All parties to the subcases and IDWR are signatories to the *Standard Form 5*.

The objection to water right 65-11412A was resolved with the filing of a *Settlement Agreement* wherein the parties agreed to dismiss water right 65-11412A.

Please be advised that hand written corrections are made to the following documents:

1. April 1, 2003, ORDER SETTING DEADLINE and RE-SETTING SUMMARY JUDGMENT HEARING listed 65-11414 should have been 65-11412;
2. May 28, 2003, SETTLEMENT AGREEMENT listed 65-1142A should have been 65-11412A.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, it is RECOMMENDED that water right 65-11412 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER RECOMMENDED that water right 65-11412A be decreed as disallowed.

DATE October 16, 2003.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-11412

FILED
OCT 16 2003
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
REGIONAL DIRECTOR PN REGION CO
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE, ID 83706-5155

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Department of Water Resources

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 220.00 CFS

PRIORITY DATE: 04/01/1925

POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE) Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	04-01 TO 10-15	220.00 CFS

PLACE OF USE: Power Within Gem County
T07N R01W S22 LOT 1 (SENE)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS WATER RIGHT IS USED BY THE UNITED STATES TO DELIVER WATER TO
THE EMMETT IRRIGATION DISTRICTS NORTH SIDE CANAL, PURSUANT TO THE
PARTIES 1955 CONTRACT #14-06-100-827 AND THE PARTIES NOGOTIATED
SETTLEMENT AGREEMENT OF MAY 19, 2003

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

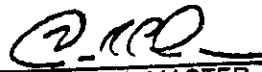
RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

OCT 16 2003


SPECIAL MASTER

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Department of Water Resources

2003 OCT 16 AM 11:01

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

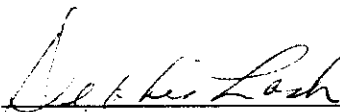
Water Right(s): 65-11412
65-11412A

On October 16, 2003, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 16, 2003.



DEBBIE LASH
Deputy Clerk

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TWIN FALLS CO., ID
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 65-11412

65-11412A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 16, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA ACTIN

Represented by:

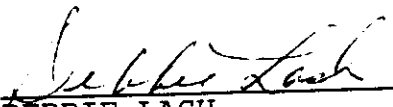
DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATRUAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
10/16/03

EMMETT IRRIGATION DISTRICT
EMMETT IRRIGATION DISTRICT

Represented by:
SCOTT L. CAMPBELL
101 S CAPITOL BLVD, 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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