

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

SPECIAL MASTER'S REPORT AND
RECOMMENDATION ON MOTION TO
SET ASIDE PARTIAL DECREE

WATER RIGHT: 29-10401

I. PROCEDURAL BACKGROUND AND FINDINGS

The SRBA District Court issued a *Partial Decree* for water right no. 29-10401 on June 22, 1998. On June 16, 2003 a letter was received by the court stating that the decreed legal description was incorrect. The letter asked that the legal description for the place of use be changed from T10S R33E S7 SWNW and NESW as set forth in the *Partial Decree* to T10S R33E S07 NWNW and NENW.

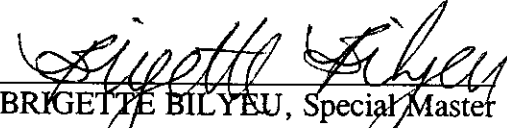
Presiding Judge Roger Burdick issued an *Order of Reference*. A hearing on the *Motion to Set Aside Partial Decree* was held September 17, 2003. The claimants agreed to file a *Standard Form 5 Amended Claim* to add the correct quarter-quarters to the legal description. All parties to the subcase and IDWR are signatories to the *Standard Form 5/Amended Claim*. Therefore, IDWR has concurred on the changes to the legal description for place of use.

The *Standard Form 5/Amended Claim* was placed on the Docket Sheet. No objections were filed, and the time for filing such objections has now expired.

CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted** and that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*.

Dated October 24, 2003.


BRIGETTE BILYEU, 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

AMENDED

In Re SRBA)

Case No. 19576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-10401

2003 OCT 24 AM 10:42

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JUSTIN E WILLIAMS
TRAVIS T WILLIAMS
2499 E 1775 S
GOODING, ID 83330

SOURCE: WEST FORK SPRING TRIBUTARY: WEST FORK BANNOCK CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION: T10S R33E S05 SESW Within Power County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 01-01 TO 12-31 0.03 CFS

PLACE OF USE: Stockwater Within Power County
T10S R33E S07 NENW NWNW

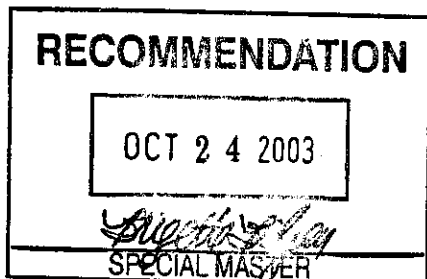
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Presiding Judge of the
Snake River Basin Adjudication



2003 OCT 24 AM 10:42
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

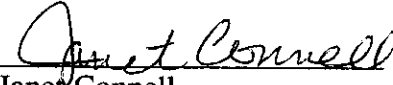
In Re SRBA	)	SUBCASE: 29-10401
	)	
Case No. 39576	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
_____	)	RECOMMENDATION

On October 24, 2003 Special Master BRIGETTE BILYEU issued a ***SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE*** 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 Report and Recommendation On Motion to Set Aside Partial Decree*** shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 24, 2003.


Janet Connell
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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2003 OCT 24 AM 10:37
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 35-13305

Please be advised that Special Master TERRENCE A. DOLAN
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, NOVEMBER 13, 2003 at 01:30 PM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to NOVEMBER 12, 2003.

Dated: OCTOBER 24, 2003

/S/ ROBBIN HALL
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 10/24/03

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on OCTOBER 24, 2003, with sufficient first-class postage to the following:

BRENDA K STOLWORTHY

BRENDA STOLWORTHY

Represented by:

TERESA L. STURM

PO BOX 51219

428 PARK AVENUE

IDAHO FALLS, ID 83405-1219

Phone: 208-523-4445

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098