

201 JAN 22 PM 1:18  
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     | ) | <b>SPECIAL MASTER'S REPORT AND</b>  |
|                | ) | <b>RECOMMENDATION; FINDINGS OF</b>  |
| Case No. 39576 | ) | <b>FACT AND CONCLUSIONS OF LAW</b>  |
|                | ) |                                     |
| _____          | ) | <b>FOR WATER RIGHTS: 31-07052M,</b> |
|                |   | <b>31-11738 and 31-11739</b>        |

**I. FINDINGS OF FACT**

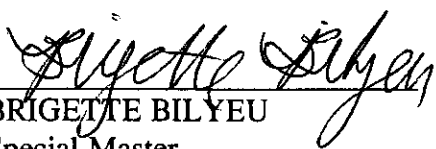
A notice of claim was filed for water right 31-07052M pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

The United States Bureau of Land Management filed an *Objection* on September 7, 2001. A *Notice of Completed Administrative Proceeding* was filed on November 18, 2003, disallowing 31-07052M and splitting this right into assigned water right numbers 31-11738 and 31-11739. The NCAP resolved the objection filed by the BLM. There are no unresolved objections remaining in this subcase.

**II. CONCLUSIONS OF LAW**

Based on the file and record herein, IT IS RECOMMENDED that water right 31-07052M **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 31-11738 and 31-11739 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: January 22, 2004.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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Water Right 31-11738

DISTRICT CLERK - SRBA  
TWIN FALLS CO., IDAHO  
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Water Right 31-11739

DICTIONARY - 7-573A  
TYN FALLS CO., IDAHO  
FILED

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.

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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 31-07052M  
31-11738 31-11739

On January 22, 2004, Special Master BRIGETTE BILYEU 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 January 22, 2004.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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CERTIFICATE OF MAILING

Water Right(s): 31-07052M  
31-11738 31-11739

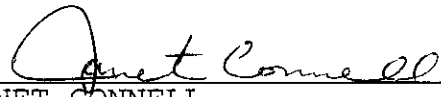
CERTIFICATE OF MAILING

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 January 22, 2004, with sufficient first-class postage prepaid to the following:

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

CONNIE L LARSEN  
LARSEN, BLAINE L  
PO BOX 188  
HAMER, ID 83425-0188

BLAINE & CONNIE LARSEN  
P O BOX 188  
HAMER, ID 83425-0188

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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