

2004 FEB 27 AM 9:10

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 12

**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
	)	
	)	FINDINGS OF FACT AND
Case No. 39576	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 63-05376 AND
	)	63-05377

I. FINDINGS OF FACT

A notice of claim was filed for the above listed 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.

An objection was filed on January 30, 2003, by the United States of America, USDA Forest Service. Subsequently, a *Standard Form 5* was filed in each of these water rights. All parties and IDWR are signatures to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that the elements for water rights 63-05376 and 63-05377 be decreed as set forth in the *Attached Recommendation for Partial Decree pursuant to I.R.C.P. 54(b)*.

DATED: February 27, 2004.



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

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 63-05376

2004 FEB 27 AM 9:13

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W FORT STREET MSC 033
BOISE, ID 83724

SOURCE: CHATTANOOGA HOT SPRING TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.22 CFS

PRIORITY DATE: 09/01/1976

POINT OF DIVERSION: T06N R11E S35 NWNWSE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.22 CFS

PLACE OF USE: Recreation Within Elmore County
T06N R11E S35 NWSE

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

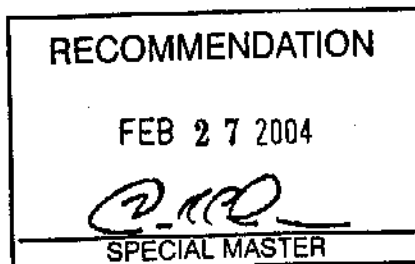
THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE
ON NATIONAL FOREST SYSTEM LAND. THIS WATER RIGHT IS FOR
RECREATIONAL USE THE PUBLIC, INCLUDING THE CITIZENS OF THE TOWN
OF ATLANTA, AT CHATTANOOGA HOT SPRING.

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.

John M. Melanson
Presiding Judge of the
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-05377

2004 FEB 27 AM 9:10

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W FORT STREET MSC 033
BOISE, ID 83724

SOURCE: ATLANTA HOT SPRINGS TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.37 CFS

PRIORITY DATE: 07/22/1873

POINT OF DIVERSION: T06N R11E S35 SESENE Within Elmore County
SENESE
NWSESE

2 POINTS OF DIVERSION LOCATED IN T06N, R11E, S35, SESENE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.37 CFS

PLACE OF USE:	Recreation	Within Elmore County
	T06N R11E S35	SENE SESE

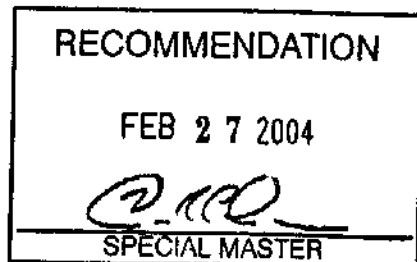
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE ON NATIONAL FOREST SERVICE LAND. THIS WATER RIGHT IS FOR RECREATIONAL USE BY THE PUBLIC, INCLUDING THE CITIZENS OF THE TOWN OF ATLANTA, AT ATLANTA HOT SPRING.

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.



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

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-05376
63-05377

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 February 27, 2004, with sufficient first-class postage prepaid to the following:

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

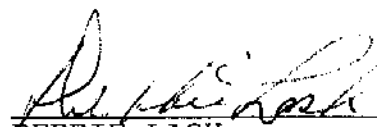
UNITED STATES OF AMERICA

Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

UNITED STATES OF AMERICA

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
DISTRICT OF THE

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

Water Right(s): 63-05376
63-05377

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.


DEBBIE LASH
Deputy Clerk