

2004 APR 12 PM 3 04

42-219, Idaho Code. . . .” I.C. § 42-1411(2)(h). Idaho Code § 42-219 provides for issuance of licenses and distinguishes between required descriptions for irrigation rights and those for municipalities. That statute sets forth in relevant part:

If the use is for municipal purposes, the license shall describe the service area and shall state the planning horizon for that portion of the right, if any, to be used for reasonably anticipated future needs.

I.C. § 42-219(2). It is sufficient for the place of use for this water right to state “the service area of the City of Lava Hot Springs Municipal Water Supply System.”

## II. CONCLUSIONS OF LAW

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

DATED: April 12, 2004.

  
\_\_\_\_\_  
BRIGETTE BILYEU, Special Master  
Snake River Basin Adjudication

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 29-07346

On April 12, 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 April 12, 2004.

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



DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 APR 12 PM 3 05

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): 29-07346

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 April 12, 2004, with sufficient first-class postage prepaid to the following:

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

CITY OF LAVA HOT SPRINGS, ID

Represented by:

CLYDE G NELSON  
PROSECUTING ATTORNEY  
CARIBOU COUNTY  
PO BOX 797  
SODA SPRINGS, ID 83276  
Phone: 208-547-2135

USDI BLM

Represented by:

US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

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CITY OF LAVA HOT SPRINGS  
PO BOX 187  
LAVA HOT SPRINGS, ID 83246  
Phone: 208-776-5820

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