

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2004 APR 14 PM 3 55

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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
_____	)	WATER RIGHT NO.: 29-224

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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.

No objection was filed for water right 29-224. Water right 29-224, however, is used in combination with water rights 29-7390 and 29-13224 which were the subject of *Objections*. Those *Objections* were resolved on March 26, 2004 with the filing of *Standard Forms 5*. All parties and IDWR are signatories to the *Standard Forms 5*.

II. ANALYSIS

The court notes that this water right is a municipal right for the City of McCammon, Idaho. This Special Master has previously issued municipal rights without requiring a legal description by legal subdivision. (Subcase no. 34-10030) (April 8, 1997)(City of Arco); (Subcase no. 34-00960) (May, 14, 1997) (City of Mackay). Idaho Code § 42-1411 which sets forth the requirements for *Director's Reports* in the SRBA requires a legal description. However, the current version of the code allows for "a general description in the manner provided under section 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 McCammon Municipal Water Supply System."

III. CONCLUSIONS OF LAW

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 14, 2004.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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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): 29-00224

On April 14, 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 14, 2004.



JANET CONNELL
Deputy Clerk

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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 29-00224

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 14, 2004, with sufficient first-class postage prepaid to the following:

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

CITY OF MC CAMMON
PO BOX 9
MC CAMMON, ID 83250-0009
Phone: 208-254-3200



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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