

2004 APR 21 PM 12 49

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: (See Attached
	)	Exhibit A, State-Based Cases

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.

On December 4, 1997, the State of Idaho filed an objection to each of the above listed water rights.

Trial was held in these subcases on December 11, 2003. Affidavits were filed prior to the trial being held.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Affidavit* or this Special Masters decision from the bench, IT IS RECOMMENDED that the water rights listed on Exhibit A be decreed with a priority date of June 28, 1934, as set forth on the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED April 21, 2004.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A STATE PRIORITY BASED ON TRIAL

Subcase Nos:

51-10398
51-10481
51-10570
51-10657
51-10824
51-10888
51-10897
51-10912
51-10918
51-10922
51-10924
51-10945
51-10951
51-10972
51-10976
51-10984
51-10996
51-10998
51-11000
51-11002
51-11004
51-11006
51-11008
51-11010
51-11012
51-11014
51-11016
51-11059
51-11080
51-11102
51-11117
51-11140
51-11141
51-11157
51-11342

51-12824

2004 APR 21 PM 12 50

In Re SRBA)
)
Case No. 39576)
)

Water Right(s): 51-10398
(SEE ATTACHED EXHIBIT A)

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 21, 2004, with sufficient first-class postage prepaid to the following:

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724


PAGE 1
04/21/04

DEBBIE LASH
 Deputy Clerk

2004 APR 21 PM 12 50

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

Water Right(s): 51-10398
(SEE ATTACHED EXHIBIT A)

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

DISTRICT COURT-S
TWIN FALLS CO., ID
FILED

2004 APR 21 PM 12

PAGE 1
Apr-19-2004