

2004 MAY 4 PM 2 53

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 RIGHT: 65-2949A

I. FINDINGS OF FACT

A notice of claim was filed for the above listed 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 or abstract for the elements of this water right.

On April 12, 2000, Kristin Allen filed an objection to this water right objecting to the place of use element. On April 24, 2000, Kristin Allen filed a *Motion to Withdraw Objection*. The *Motion* was **granted** at hearing held February 6, 2001. On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The *Motion* was granted on July 28, 2000. The objections were filed to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." A *Standard Form 5* was filed on September 16, 2002, settling the objection regarding General Provisions language. On August 21, 2000, Charter Mountain Ranch filed a *Motion to File Late Objection*. The *Motion* was heard and denied on February 6, 2001. Charter Mountain Ranch filed a second *Motion to File Late Objection* May 10, 2001. On September 17, 2002, this Special Master issued an ***Order Granting Attorney Fees, Disallowing Paralegal Fees and Denying Motion to Disallow Attorney Fees***. The Order concludes the second Motion was brought unreasonably.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 65-2949A be decreed with the elements as set forth in the attached ***Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED May 4, 2004.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-02949A

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 May 04, 2004, with sufficient first-class postage prepaid to the following:

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

CHARTER MOUNTAIN RANCH INC
Represented by:
BRUCE M. SMITH
225 NORTH 9TH ST, STE 420
BOISE, ID 83702
Phone: 208-331-1800

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

CERTIFICATE OF MAILING

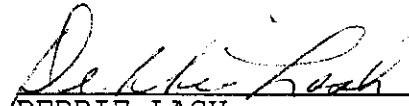
PAGE 1
05/04/04

KRIS MELTON ALLEN

Represented by:
SCOTT L. CAMPBELL
101 S CAPITOL BLVD, 10TH FLOOR
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BOISE, ID 83701-0829
Phone: 208-345-2000

USDI BUREAU OF RECLAMATION

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



DEBBIE LASH
Deputy Clerk

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

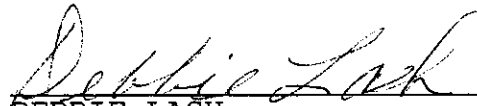
Water Right(s): 65-02949A

On May 04, 2004, Special Master THOMAS R CUSHMAN
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (A01), 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 May 04, 2004.



DEBBIE LASH
Deputy Clerk