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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2004 MAY 5 PM 2 39

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: 65-3174 and
	)	65-8469

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 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." Subsequently, a *Standard Form 5* was filed in each of the above listed subcases on January 4, 2004.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Standard Form's 5*, IT IS RECOMMENDED that the above listed water rights be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 5, 2004.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

2004 MAY 5 PM 2 39

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 19576)
)
) Water Right 65-03174

NAME AND ADDRESS: CLINT COLPO
SARAH COLPO
PO BOX 1310
MC CALL, ID 83638

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-08469 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.72 CFS.

PRIORITY DATE: 06/01/1903

POINT OF DIVERSION: T18N R03E S13 NWSW Within Valley County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	0.60 CFS

PLACE OF USE: Irrigation Within Valley County
 T19N R03E S26 SESW 36.0
 36.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-08469 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36 ACRES IN A SINGLE IRRIGATION SEASON.

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

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

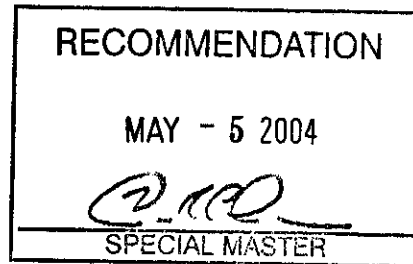
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *DL*

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

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

Water Right 65-08469

2004 MAY 5 PM 2 39

NAME AND ADDRESS: CLINT COLPO
SARAH COLPO
PO BOX 1310
MC CALL, ID 83638

SOURCE: WASTE WATER TRIBUTARY: LAKE FORK CREEK

QUANTITY: 0.50 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-03174 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.72 CFS.

PRIORITY DATE: 07/01/1965

POINT OF DIVERSION: T18N R03E S26 SESW Within Valley County

2 POINTS OF DIVERSION LOCATED IN T18N, R03E, S26, SESW.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.50 CFS

PLACE OF USE: Irrigation Within Valley County
T18N R03E S26 SESW 25.0
25.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-03174 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 36 ACRES IN A SINGLE
IRRIGATION SEASON.

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

Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

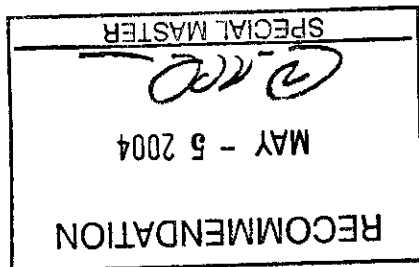
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If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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



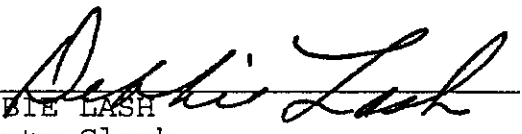
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In Re SRBA)
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Case No. 39576)
)

Water Right(s): 65-03174
65-08469

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05/05/04

CLINT COLPO
SARAH COLPO
PO BOX 1310
MC CALL, ID 83638
Phone: 208-258-6615



DEBBIE LASH
Deputy Clerk

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