

2004 MAY 6 AM 9 07

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: 65-2371, 65-
	)	2515B, 65-3181 and 65-7417

I. FINDINGS OF FACT

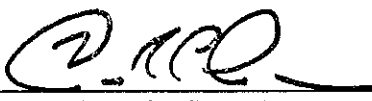
A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water 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." A Show Cause Hearing was held in January 2004, the claimant did not appear at hearing. The United States, Bureau of Reclamation verbally *Motioned* at hearing to have the language added. The *Motion* was **granted** on record.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Granting of the Verbal Motion*, 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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRE
TWIN FALLS CO., IDAH
FILED 64
2004 MAY 6 AM 9 01

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 65-02371

NAME AND ADDRESS: ISLAND CAPITOL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK CREEK

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 65-03181 & 65-07417 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 07/15/1930

POINT OF DIVERSION: T18N R03E S35 NESWN Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.60 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T16N R03E S03	NESE 40.0 NWSE 39.0 SWSE 38.0 SESE 39.0
	156.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03181 & 65-07417.

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

BASIN 65 GENERAL PROVISION NO. 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

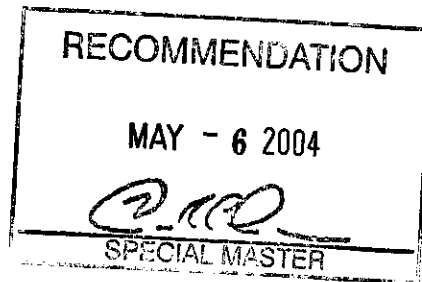
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE
SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE
HOLDER OF THIS RIGHT SEEKS THE CHANGE THE RIGHT PURSUANT TO IDAHO
CODE 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL
PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
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 *[Signature]*

2004 MAY 6 AM 9 08

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 65-02515B

NAME AND ADDRESS: ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.04 CFS
1.20 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/26/1949

POINT OF DIVERSION: T16N R03E S02 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
			1.20 AFY

PLACE OF USE: Domestic Within Valley County
T16N R03E S02 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

BASIN 65 GENERAL PROVISION NO. 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

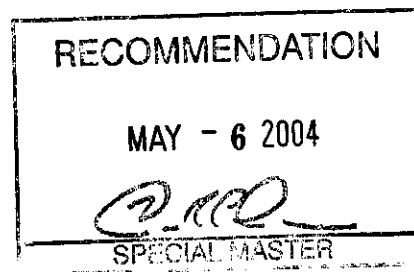
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

2004 MAY 6 AM 9 08

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-03181

NAME AND ADDRESS: ISLAND CAPITOL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN, ID 83642

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

QUANTITY: 3.20 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 65-02371 & 65-07417 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 09/09/1919

POINT OF DIVERSION: T18N R03E S35 NESWNW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	3.20 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T16N R03E S02	NESW 24.0 NWSW 40.0 SWSW 39.0 SESW 8.0
	S03	NESE 40.0 NWSE 39.0 SWSE 38.0 SESE 39.0
	267.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02371 & 65-07417.

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

BASIN 65 GENERAL PROVISION NO. 3, THE SEPARATE STREAMS GENERAL
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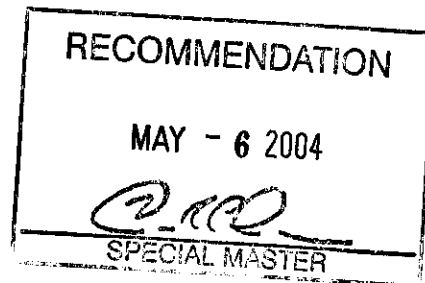
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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-07417

NAME AND ADDRESS: ISLAND CAPITOL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: UNNAMED STREAM TRIBUTARY: BOULDER CREEK

QUANTITY: 1.51 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 65-02371 & 65-03181 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 11/03/1973

POINT OF DIVERSION: T17N R03E S35 SESW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	06-15 TO 09-15	1.51 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T16N R03E S02	NESW 37.0 NWSW 40.0
		SWSW 40.0 SESW 26.0
	S03	NESE 40.0 NWSE 40.0
		SWSE 38.0 SESE 39.0
	300.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
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IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02371 & 65-03181.

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

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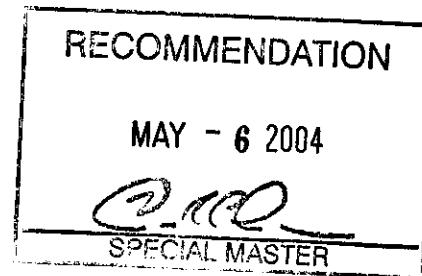
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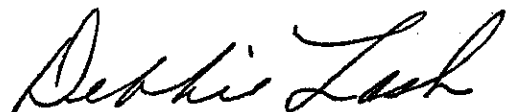
In Re SRBA)
)
Case No. 39576)
)

Water Right(s): 65-02371
65-02515B 65-03181 65-07417

PAGE 1
05/06/04

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

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642



DEBBIE LASH
Deputy Clerk

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In Re SRBA)
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Case No. 39576)
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Water Right(s): 65-02371
65-02515B 65-03181 65-07417


DEBBIE LASH
Deputy Clerk