

2004 JUN 11 AM 10 52

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

) SPECIAL MASTER'S REPORT
)
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
)
) FOR WATER RIGHTS 63-5120,
) 63-24350, 63-24351, 63-24352, 63-24353,
) 63-24354, 63-24355, 63-24356 & 63-30999
)

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 May 6, 1999, Jeff Lord filed an objection to the ownership element in these water rights.

On January 18, 2000, the parties filed a *Stipulation to Resolve Objection*. In the Stipulation Jeff Lord agreed to withdraw his objections and the parties state that the United States of America, USDI Forest Service is the sole owner of the above listed water rights.

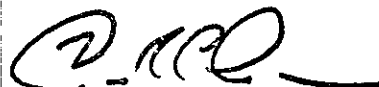
Hearing was held October 3, 2001, regarding the priority date claimed for these water rights.

On December 5, 2001, the United States of America, USDI Forest Service filed a *Memorandum in Support of IDWR'S Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Stipulation* and *Memorandum in Support of the Director's Report*, 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)*.

DATE June 11, 2004.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

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In Re SRBA)
)
Case No. 39576)
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      Water Right(s) : 63-05120
63-24350      63-24351      63-24352
63-24353      63-24354      63-24355
63-24356      63-30999

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

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

CERTIFICATE OF MAILING

Debbie Lash PAGE 1
06/11/04
DEBBIE LASH
Deputy Clerk

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      Water Right(s) : 63-05120
63-24350      63-24351      63-24352
63-24353      63-24354      63-24355
63-24356      63-30999

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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-SRBA
TWIN FALLS CO., IDAHO
FILED

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