

2004 JUN 17 PM 2 50

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     | ) | AMENDED SPECIAL                     |
|                | ) | MASTER'S REPORT                     |
|                | ) |                                     |
| Case No. 39576 | ) | ORDER GRANTING MOTION TO            |
|                | ) | ALTER OR AMEND                      |
|                | ) |                                     |
|                | ) | FOR WATER RIGHTS: 65-2585, 65-      |
|                | ) | 3114, 65-3115, 65-3116 and 65-22587 |

A *Special Master's Report and Recommendation* was issued on April 13, 2004, for the above listed water rights.

A *Motion to Alter or Amend* was filed on May 25, 2004, by Dana Hofstetter on behalf of the Roseberry Irrigation District. The *Motion* requested that the ownership be changed to reflect Roseberry Irrigation District as the claimant and Roseberry Irrigation District C/O Joe Eld as a second mailing address. The *Motion* also requested that the tributary to each of the above listed water rights be listed as North Fork Payette River, the priority date for water right 65-22587 be recommended as January 12, 1917, as listed on the claim, and the language under point of diversion for water right 65-3115 be removed. Hearing was held on June 17, 2004. Dana Hofstetter, Joe Eld and Lyle Points were present by telephone for Roseberry Irrigation District, David Barber was present by telephone for the State of Idaho, Susan Hamlin was present by telephone for the Idaho Department of Water Resources. There were no objections to the Motion to Alter or Amend. Therefore, the *Motion to Alter or Amend* is **granted**.

Based on the file and record herein, IT IS RECOMMENDED that water rights 65-2585, 65-3114, 65-3115, 65-3116 and 65-22587 be **decreed** with the elements as set forth in the attached *Amended Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated June 17, 2004.

  
THOMAS R CUSHMAN  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

DISTRICT COURT - SRB  
TWIN FALLS CO., IDAH  
FILED                     

I certify that a true and correct copy of the AMENDED MASTER'S REPORT AND RECOMMENDATIONS and ORDER GRANTING MOTION TO ALTER OR AMEND was mailed on June 17, 2004, with sufficient first-class postage to the following:

Director of IDWR  
P O Box 83720  
Boise, Idaho 83720-0098

United States Department of Justice  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

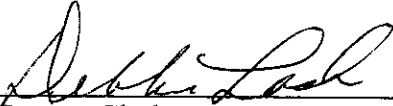
Office of the Attorney General  
David Barber  
P O Box 44449  
Boise, Idaho 83711-4449

Charles McDevitt  
P O Box 2564  
Boise, Idaho 83701

Dana Hofstetter  
608 West Franklin Street  
Boise, Idaho 83702

Roseberry Irrigation District  
P O Box 366  
Donnelly, Idaho 83615

Joe Eld  
2554 E Roseberry  
McCall, Idaho 83638

  
Deputy Clerk

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 JUN 17 PM 2 50

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 65-02585

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT  
C/O JOE ELD  
2554 E ROSEBERRY  
MC CALL, ID 83638

ROSEBERRY IRRIGATION DISTRICT  
P O BOX 366  
DONNELLY, ID 83615

SOURCE: WILLOW CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 5.00 CFS

PRIORITY DATE: 05/30/1954

POINT OF DIVERSION: T16N R03E S11 SWSESE Within Valley County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-15 | 5.00 CFS |

PLACE OF USE:

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03115, 65-03116

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411 (2) (h) (2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a cd-rom disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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.

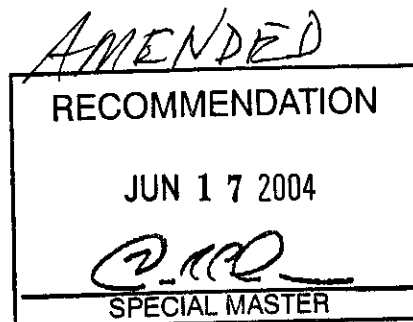
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY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

2004 JUN 17 PM 2 50

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 65-03114

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT  
C/O JOE ELD  
2554 E ROSEBERRY  
MC CALL, ID 83638

ROSEBERRY IRRIGATION DISTRICT  
PO BOX 366  
DONNELLY, ID 83615

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 50.00 CFS

PRIORITY DATE: 06/25/1902

POINT OF DIVERSION: T17N R03E S13 SENWSE Within Valley County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-15 TO 10-15 | 50.00 CFS |

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE  
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03115, 65-03116,  
65-02585.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,719 ACRES  
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION  
SEASON

The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h) (2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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.

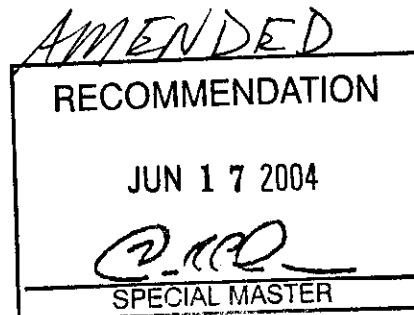
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT  
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN  
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON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

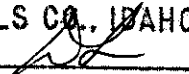
RULE 54(b) CERTIFICATE

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 

2004 JUN 17 PM 2 50

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 65-03115

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT  
C/O JOE ELD  
2554 E ROSEBERRY  
MC CALL, ID 83638

ROSEBERRY IRRIGATION DISTRICT  
PO BOX 366  
DONNELLY, ID 83615

SOURCE: BOULDER LAKE TRIBUTARY: BOULDER CREEK

QUANTITY: 1207.00 AFY

PRIORITY DATE: 01/12/1917

POINT OF DIVERSION: T17N R03E S13 SENWSE (Rediversion) Within Valley County  
T18N R04E S27 NESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|-------------------------------|-------------------------|----------------|-------------|
|                               | Irrigation from Storage | 04-15 TO 10-15 | 1207.00 AFY |
|                               | Irrigation Storage      | 01-01 TO 12-31 | 1207.00 AFY |

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 2926 ACRES WITHIN THE  
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116,  
65-02585.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,719 ACRES  
WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN  
A SINGLE IRRIGATION SEASON

The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

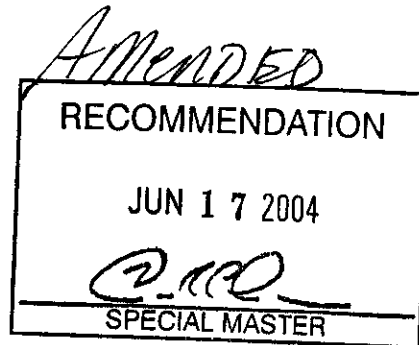
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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                     

2004 JUN 17 PM 2 50

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 65-03116

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT  
C/O JOE ELD  
2554 E ROSEBERRY  
MC CALL, ID 83638

ROSEBERRY IRRIGATION DISTRICT  
PO BOX 366  
DONNELLY, ID 83615

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 48.72 CFS

PRIORITY DATE: 01/12/1917

POINT OF DIVERSION: T17N R03E S13 SENWSE Within Valley County

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|----------------|----------------|----------------|-----------|
| PERIOD OF USE: | Irrigation     | 04-15 TO 10-15 | 48.72 CFS |

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE  
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03115,  
65-02585.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,719 ACRES  
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION  
SEASON

The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h) (2003). The data comprising the digital boundary are  
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issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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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.

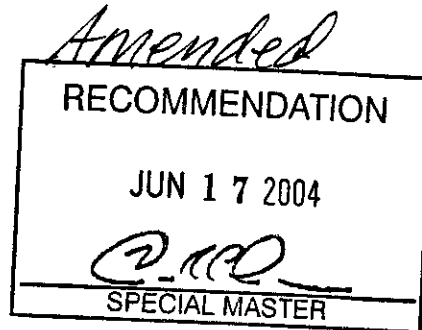
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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 *[Signature]*

2004 JUN 17 PM 2 50

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 65-22587

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT  
C/O JOE ELD  
2554 E ROSEBERRY  
MC CALL, ID 83638

ROSEBERRY IRRIGATION DISTRICT  
PO BOX 366  
DONNELLY, ID 83615

SOURCE: BOULDER LAKE TRIBUTARY: BOULDER CREEK

QUANTITY: 134.00 APY

PRIORITY DATE: 01/12/1917

POINT OF DIVERSION: T17N R03E S13 NWSE (Rediversion) Within Valley County  
T18N R04E S27 NESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|-------------------------------|-------------------------|----------------|------------|
|                               | Stockwater Storage      | 01-01 TO 12-31 | 134.00 APY |
|                               | Stockwater from Storage | 01-01 TO 12-31 | 134.00 APY |

PLACE OF USE:

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 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.

Stockwater use is for 10,000 range cattle.

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

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

