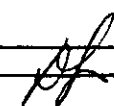


DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 29 2004

By  Clerk
Deputy Clerk

**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
	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
Case No. 39576	)	Subcases 65-01151, 65-01317, 65-2138,
	)	65-2532A, 65-02540, 65-02869, 65-03803B,
	)	65-07833, 65-10747, 65-10748, 65-10749,
	)	65-11393A and 65-12751

I. FINDINGS OF FACT

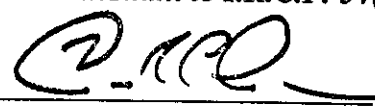
A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

These subcases were not objected to but overlapped with subcase 65-3103 which was objected to by the United States of America, Bureau of Land Management and George Dovel. A *Notice of Completed Administrative Proceeding* was filed May 26, 2004, in subcases 65-01151, 65-01317, 65-2138, 65-2532A, 65-02540, 65-02869, 65-10747, 65-10748, 65-10749 and 65-11393A.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Notice of Administrative Proceeding*, IT IS RECOMMENDED that water rights 65-01151, 65-01317, 65-2138, 65-2532A, 65-02540, 65-02869, 65-10747, 65-10748, 65-10749 and 65-11393A be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that water rights 65-03803B, 65-07833, and 65-12751 be decreed as recommended in the *Director's Report* and the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated June 21, 2004.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 29 2004

By _____ Clerk
_____ Deputy Clerk

**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	)	SUBCASES: 65-01151, 65-01317, 65-2138,
	)	65-2532A, 65-02540, 65-02869, 65-03803B,
	)	65-07833, 65-10747, 65-10748, 65-10749,
	)	65-11393A and 65-12751
Case No. 39576	)	
	)	CERTIFICATE OF MAILING

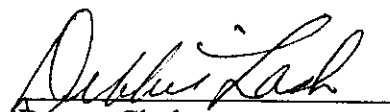
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER' REPORT AND RECOMMENDATION were mailed June 29, 2004, with sufficient first-class postage prepaid to the following:

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

United States of America
USDI BLM
550 West Fort Street, MSC 033
Boise, Idaho 83724

Jack Riddlemoser
1905 Garrison Lane
Kuna, Idaho 83634

DR & J Investments Limited PA
8973 W State St
Boise, Idaho 83703-1729


Deputy Clerk

JUN 29 2004

By

Clerk

Deputy Clerk

**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

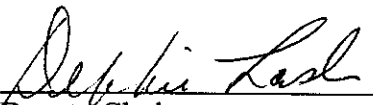
) SUBCASES: 65-01151, 65-01317, 65-2138,
) 65-2532A, 65-02540, 65-02869, 65-03803B,
) 65-07833, 65-10747, 65-10748, 65-10749,
) 65-11393A and 65-12751

) NOTICE OF ISSUANCE

On June 29, 2004, special Master THOMAS R. CUSHMAN issued a **SPECIAL MASTER'S REPORT AND RECOMMENDATION** for the above subcase(s) pursuant to **SRBA Administrative Order 1 (AO1)**, 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 by the 28th day of the month following the publication of the filing of the **Special Master's Report and Recommendation** in the Docket Sheet (**AO1**, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the **Special Master's Report and Recommendation** shall constitute a waiver of the right to challenge it before the Presiding Judge.


Deputy Clerk

JUN 29 2004

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-10749

By DK Clerk
Deputy Clerk

NAME AND ADDRESS: D R & J INVESTMENTS LIMITED PA
8973 W STATE ST
BOISE, ID 83703-1729

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4.5 AF AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-02532A, 65-10748, 65-01151, 65-01317,
65-10747, 65-11393A, 65-02138, 65-02540, 65-02869, 65-22775,
65-22778.

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION: T07N R02E S23 LOT 4 (NESE) Within Boise County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 0.22 CFS

PLACE OF USE: Irrigation Within Boise County

T06N R02E S02 LOT 4	(NWNW) 14.0	SWNW 6.3
	SENW 16.0	NESW 0.1
T07N R02E S23	SESW 6.0	NWSE 1.4
	SWSE 28.5	SESE 3.0
S26	NENE 28.0	NWNE 39.0
	SWNE 38.0	SENE 3.5
	NENW 19.0	SENW 21.1
	NESW 19.6	SESW 18.0
	NWSE 28.0	SWSE 8.3
S34	SENE 13.9	NESE 39.0
	NWSE 3.8	SWSE 1.6
	SESE 34.0	
S35	NENW 4.4	SWNW 20.5
	NWSW 34.0	SWSW 28.0
477.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 477 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02532A, 65-01151,
65-10748, 65-01317, 65-10747, 65-11393A, 65-02138, 65-02540,
65-02869, 65-22775, 65-22778.

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

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

