

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2004 JUN 30 PM 2 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: 33-10914

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water right 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 this water right.

The United States of America, Bureau of Land Management filed an objection on June 8, 1998. The objection was filed as to the water right not being recommended. On August 27, 1998, the State of Idaho filed a response to the objection. On November 14, 2003, an *Affidavit of Alan R Bittner* was filed, a Trial was held on December 11, 2003. Based on the *Affidavit of Alan R Bittner* there was a pending Homestead Entry on the date that Public Water Reserve 107 was signed. Therefore, this water right is entitled to a state based priority date of June 28, 1934. The United States and the State of Idaho filed a *Standard Form 5* agreeing to the recommendation of the elements of this water right. IDWR also signed the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, *Affidavit* and the *Trial*, IT IS RECOMMENDED water right 33-10914 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 30, 2004.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 33-10496
(SEE ATTACHED EXHIBIT A)

On July 01, 2004, Special Master THOMAS R CUSHMAN
issued a SPECIAL MASTER'S 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 on or before the 28th day of the next month.

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.

DATED July 01, 2004.



DEBBIE LASH
Deputy Clerk

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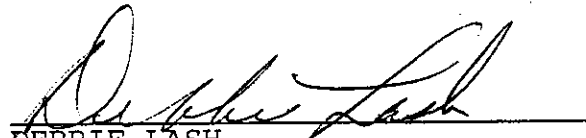
In Re SRBA)
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)

Water Right(s): 33-10496
(SEE ATTACHED EXHIBIT A)

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



DEBBIE LASH
Deputy Clerk

Exhibit A

Subcase Nos:

33-10496
33-10525
33-10527
33-10529
33-10569
33-10611
33-10613
33-10615
33-10698
33-10718
33-10720
33-10766
33-10893
33-10914
33-10917