

RECEIVED

AUG 14 2002

Department of Water Resources

AUG 13 PM 4: 54

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

) Subcase 43-10508

) (Cottle)

Case No. 39576

)

) SPECIAL MASTER REPORT

Findings of Fact

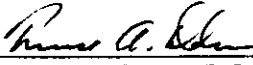
Albert and Julene Cottle, 1750 S. Cottle Lane, Box 1232, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on June 9, 1989, claiming .085 cfs from groundwater for stockwater in Cassia County from March 15 to December 15 with a priority date of March 1, 1963, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to priority date, point of diversion, place of use and alleging the water right should not exist. The same date, the United States of America, Department of Agriculture, Forest Service filed an *Objection* to place of use. On August 13, 2002, the Cottles, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Albert and Julene Cottle are entitled to a partial decree adjudicating a water right under claim 43-10508 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10508*.

DATED August 13, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2002 AUG 13 PM 4: 54

Water Right 43-10508

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

QUANTITY: 0.085 CFS

PRIORITY DATE: 03/01/1963

PURPOSE AND PERIOD OF USE:			
PURPOSE OF USE	PERIOD OF USE	QUANTITY	
Stockwater	03-01 TO 12-15	0.085 CFS	

PLACE OF USE: Stockwater Within Cassia County
T14S R28E S30 LOT 2 (SWNW)

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).

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

PAGE 1
Aug-13-2002

AUG 14 2002

Department of Water Resources

2007 AUG 13 PM 4: 54

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

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

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

SPECIAL MASTER'S

RECOMMENDATION

Water Right(s): 43-10508

On August 13, 2002, Special Master TERRENCE A. DOLAN 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 August 13, 2002.

Little Mexico

LETTIE MESSICK
Deputy Clerk

Deputy Clerk

RECEIVED

AUG 14 2002

Department of Water Resources

2002 AUG 13 PM 4: 54

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 43-10508

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 13, 2002, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
08/13/02