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AUG 14 2002

Department of Water Resources

2002 AUG 13 PM 4: 52

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 43-07178
	)	(Newcomb)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

Mark Newcomb filed a *Notice of Claim to a Water Right* on May 2, 1989, claiming 1.12 cfs from groundwater for irrigation of 56 acres in Cassia County from March 15 to November 15 with a priority date of June 16, 1982, based on a license. 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 to Mark and Lonna Newcomb, 251 East, 200 South, Rupert, Idaho 83350, for irrigation of 50.4 acres within a 499 acre place of use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On April 25, 2002, the claimants were granted leave to file a late *Objection* to place of use. On August 13, 2002, the Newcombs, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Mark and Lonna Newcomb are entitled to a partial decree adjudicating a water right under claim 43-07178 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-07178*.

DATED August 13, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

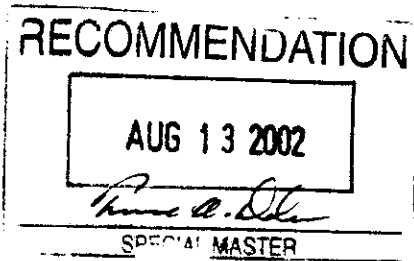
Water Right 43-07178

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
DISTRICT OF THE

In Re SRBA
Case No. 39576

Water Right(s) : 43-07178

Little Messick

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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

CERTIFICATE OF MAILING

Water Right(s): 43-07178

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

MARK T NEWCOMB
Represented by:
ALAN C. GOODMAN
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

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

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LONNA NEWCOMB
251 E 200 S
RUPERT, ID 83350
Phone: 208-436-5679


LETTIE MESSICK
Deputy Clerk