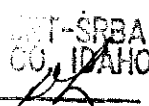


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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED 

**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 65-11250**

I. FINDINGS OF FACT

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

This water right is an unobjected to overlap claim. On November 6, 2001, IDWR filed a *Notice of Administrative Proceeding* (NAP) for this water right.

On April 13, 2000, the United States of America, Bureau of Reclamation filed objections in three related water rights, and it was determined that this water right could be affected by the outcome of those objections. On May 7, 2002, IDWR withdrew the NAP which had been previously filed. On May 15, 2002, the United States filed a *Motion to Dismiss Objection* in each of the three related water rights.

II. CONCLUSIONS OF LAW

Therefore, it appearing that all issues have been resolved and based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 65-11250*.

DATED: August 15, 2002.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE Department of Water Resources
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 65-11250

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DUANE PANCHERI
LAURA PANCHERI
19010 S CAN-ADA RD
MELBA, ID 83641

DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686

SOURCE: MOORES CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 4.86 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02534, 65-06628 &
65-02696 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE NOR MORE THAN
3.0 AFA PER ACRE AT THE FIELD HEADGATE FOR THE IRRIGATION OF THE
PLACE OF USE.

PRIORITY DATE: 05/01/1899

POINT OF DIVERSION: T13N R03E S13 SENE Within Valley County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	4.86 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T13N R04E S07	SESE 9.0
	S17 LOT 4	(SWNW) 8.0
	S18	NENE 27.0
		NWNE 38.0
		SENE 39.0
		NENW 22.0
		(NWNW) 9.0
		NESE 13.0
		NWSE 24.0
	243.0 Acres Total	

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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): 65-11250

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 15, 2002, with sufficient first-class postage prepaid to the following:

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

DUANE PANCHERI
LAURA PANCHERI
19010 S CAN-ADA RD
MELBA, ID 83641
Phone: 208-495-2513

DARWIN PANCHERI
JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686
Phone: 208-467-1348

CERTIFICATE OF MAILING

[Signature]
DEBBIE LASH
Deputy Clerk

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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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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

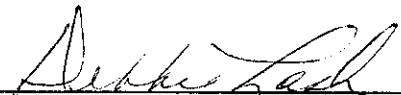
Water Right(s): 65-11250

On August 15, 2002, 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 August 15, 2002.



DEBBIE LASH
Deputy Clerk