RECEIVED
AUG 16 2002
Department of Water Resources

2002 AUG 15 PM 4:07
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 65-02534**

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 or abstract for the elements of this water right.

On April 13, 2000, the United States of America, Bureau of Land Management filed an objection to the Place of Use. On May 13, 2002, IDWR filed a *Notice of Administrative Proceeding (NCAP)* changing the Place of Use element and language. Subsequently, on May 15, 2002, the United States filed a *Motion to Dismiss Objection.* The Motion is hereby **granted.**

II. CONCLUSIONS OF LAW

Therefore, it appearing that all objections have been resolved and based on the file and record herein and pursuant to the NCAP, 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 65-02534.***

DATED: August 15, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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

2002 AUG 15 PM 4:07

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RECEIVED
AUG 16 2002
Department of Water Resources

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 65-02534

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: PAYETTE RIVER, NORTH FORK TRIBUTARY: PAYETTE RIVER

QUANTITY: 10.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-11250, 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: 07/21/1950

POINT OF DIVERSION: T13N R04E S06 SWNE Within Valley County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-15	10.00 CFS

PLACE OF USE: Irrigation Within Valley County

T13N R04E S05	LOT 12	(NWSW) 9.0	LOT 13	(SWSW) 9.0
	S06	NESW 15.0		NESE 5.0
		NWSE 28.0		SWSE 18.0
		SESE 4.0		
	S07	NENE 15.0		NWNE 30.0
		SWNE 40.0		SENE 21.0
		NENW 4.0		SENW 13.0
		NESW 18.0		SESW 9.0
		NESE 33.0		NWSE 40.0
		SWSE 38.0		SESE 37.0

386.0 Acres Total

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

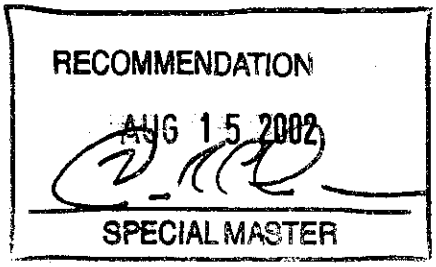
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THE TRANSFER REFLECTED IN THE NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING FILED WITH THE SRBA DISTRICT COURT ON MAY 13, 2002, WITHIN ONE (1) YEAR OF THAT DATE.

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



RECEIVED
AUG 16 2002
Department of Water Resources

2002 AUG 15 PM 4:07
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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 65-02534

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

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

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

DEBBIE LASH
Deputy Clerk

RECEIVED
AUG 16 2002
Department of Water Resources

2002 AUG 15 PM 4:07
DISTRICT COURT-SRBA
TWIN FALLS CO. 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 Case No. 39576	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION Water Right(s): 65-02534

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