

AUG 28 2002

2002 AUG 27 AM 9: 3

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     | ) | <b>SPECIAL MASTER'S REPORT</b>  |
|                | ) |                                 |
| Case No. 39576 | ) | <b>FINDINGS OF FACT AND</b>     |
|                | ) | <b>CONCLUSIONS OF LAW</b>       |
|                | ) |                                 |
|                | ) | <b>FOR WATER RIGHT 65-22488</b> |
|                | ) | <b>and 65-22353</b>             |

A notice of claim was filed for these water rights 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 these water rights.

On October 12, 2001, Douglas A and Sharon Coats filed an *Objection* to subcase 65-22353. Subcase 65-22488 is an unobjected to overlap of 65-22353. Subsequently, a *Standard Form 5/Stipulated Elements of a Water Right* was filed in subcase 65-22353. An *Amended Director's Report* was attached to the SF5. Objections to the *Amended Director's Report* were due June 28, 2002. No objections were filed to the *Amended Director's Report* and the time for filing has expired.

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that these water rights be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decrees Pursuant to I.R.C.P. 54(b) for Water Rights 65-22353 and 65-22488*

DATED August 27, 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

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-22353

2002 AUG 27 AM 9:39

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED

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AUG 28 2002

Department of Water Resources

NAME AND ADDRESS: DOUGLAS A COATES  
SHARON COATES  
7100 LITTLE WILLOW RD  
PAYETTE, ID 83661

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY

PRIORITY DATE: 01/17/1978

POINT OF DIVERSION: T09N R03W S16 SWS Within Payette County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

| PLACE OF USE: | Domestic      |      | Within Payette County |
|---------------|---------------|------|-----------------------|
|               | T09N R03W S21 | NENW | NWNW                  |

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

RECOMMENDATION

AUG 27 2002

SPECIAL MASTER

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-22488

2002 AUG 27 AM 9:39

TWIN FALLS CO., IDAHO  
FILED

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AUG 28 2002

NAME AND ADDRESS: FRED C HUMPHREYS ESTATE  
10495 STONE QUARRY RD  
PAYETTE, ID 83661

SOURCE: GROUND WATER

Department of Water Resources

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 01/17/1978

POINT OF DIVERSION: T09N R03W S16 SWSW Within Payette County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

|               |               |                       |
|---------------|---------------|-----------------------|
| PLACE OF USE: | Domestic      | Within Payette County |
|               | T09N R03W S21 | NWNW                  |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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  
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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

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SPECIAL MASTER

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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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

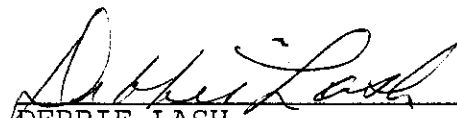
Water Right(s): 65-22353  
65-22488

On August 27, 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 27, 2002.

  
DEBBIE LASH  
Deputy Clerk

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Department of Water Resources

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FILED  
TWIN FALLS CO. IDAHO  
SRBA

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): 65-22353  
65-22488

CERTIFICATE OF MAILING

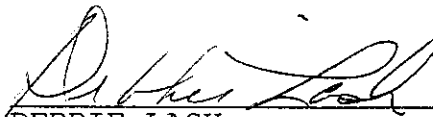
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 27, 2002, with sufficient first-class postage prepaid to the following:

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

FRED C HUMPHREYS ESTATE  
10495 STONE QUARRY RD  
PAYETTE, ID 83661  
Phone: 208-642-7137

DOUGLAS A COATES  
SHARON COATES  
7100 LITTLE WILLOW RD  
PAYETTE, ID 83661  
Phone: 208-642-2071

CERTIFICATE OF MAILING

  
DEBBIE LASH  
Deputy Clerk  
PAGE 1  
08/27/02