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DEC - 2 2002
Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2002 NOV 29 PM 12 22

**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

)
) **Subcase 85-10420**
) **(Holthaus)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

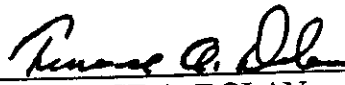
Vic Holthaus filed a *Notice of Claim to a Water Right* on May 19, 1988, claiming .09 cfs from a spring for year-'round domestic and livestock uses in Lewis County with a priority date of August 26, 1966, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22, Volume Six (IDWR Basin 85)* on March 19, 1999. The Director recommended the claim for .05 cfs for year-'round stockwater use only.

Richard J. Holthaus, Route 1, Box 145, Cottonwood, Idaho 83522 filed an *Objection* on August 20, 1999, as the new owner objecting to priority date and points of diversion. Mr. Holthaus was granted leave to file an amended notice of claim on May 18, 2000. On October 23, 2002. Mr. Holthaus and IDWR filed an *Amended Claim Standard Form 5* agreeing to .05 cfs from springs for year-'round stockwater use with a priority date of August 26, 1900.

Conclusions of Law

Richard J. Holthaus is entitled to a partial decree adjudicating a water right under claim 85-10420 as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 85-10420*.

DATED November 29, 2002


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

FILED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-10420

NAME AND ADDRESS: RICHARD J HOLTHAUS
RT 1 BOX 145
COTTONWOOD, ID 83522

SOURCE: SPRINGS TRIBUTARY: WILLOW CREEK

QUANTITY: 0.05 CFS

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

PRIORITY DATE: 08/26/1900

POINT OF DIVERSION:	T32N R02W S27	NENWNE	Within Lewis County
		SENWNE	
		SESWNE	
		NWNENW	
		SENWSE	
		NENWSE	
		NESWSE	
		SWSWSE	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.05 CFS

PLACE OF USE:	Stockwater	Within Lewis County
	T32N R02W S27	
	NWNE	SWNE
	NENW	NWSE
	SWSE	

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 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.

RECOMMENDATION

NOV 29 2002
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SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 85-10420

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 November 29, 2002, with sufficient first-class postage prepaid to the following:

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

RICHARD J HOLTHAUS
Represented by:
MICHAEL P. WASKO
PO BOX 189
NEZ PERCE, ID 83543
Phone: 208-937-2409

RICHARD J HOLTHAUS
RT 1 BOX 145
COTTONWOOD, ID 83522
Phone: 208-962-3420

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

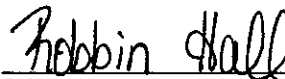
Water Right(s): 85-10420

On November 29, 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 November 29, 2002.



ROBBIN HALL
Deputy Clerk