

FILED
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 36-00003F

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 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 29, 1993, an *Objection* was filed by Doyt Simco. On April 30, 1993, an objection was filed by United States Department of Justice. On July 1, 1996, a *Supplemental Director's Report* was filed. Trial was held on June 8, 1998. A *Special Master's Report and Recommendation* was issued February 8, 1999. On March 29, 1999, North Snake Ground Water District filed a *Motion to Alter or Amend (Motion)* the *Special Master's Report and Recommendation*. The State of Idaho also filed a *Motion to Alter or Amend*. The *Motions* were denied. North Snake Ground Water filed a *Challenge to the Master's Report & Recommendation*, the State of Idaho also filed a *Challenge*. A second *Supplemental Director's Report* was filed on August 5, 1999. On November 23, 1999, Judge Barry Wood, issued a *Memorandum Decision and Order on Challenge; Order Granting State of Idaho's Motion for the Court to Take Judicial Notice of Adjudicative Facts; Order of Recommitment with Instructions to Special Master Cushman (Hereafter "Memorandum Decision")*. The *Memorandum Decision* made rulings on certain legal issues with respect to this water right and other claims derivative of 36-00003F. In addition, the *Memorandum Decision* remanded this right back to the Special Master for additional findings and consideration in conjunction with late claims to claims derivative of 36-00005 and 36-00019. On May 18, 2001, an *Amended Director's Report* was filed. North Snake Ground Water District filed an *Objection* on June 28, 2001.

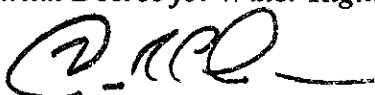
During the time this subcase was recommitted to this Special Master, the parties settled. Subsequently, on September 13, 2002, a *Standard Form 5/Stipulated Elements of a Water Right* was

filed settling the objections to water right 36-00003F. All parties and IDWR are signatures to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right claim 36-00003F be decreed with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree for Water Right 36-00003F*.

DATED: December 18, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 19576)
)
) Water Right 36-00003F

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DEC 18 2002

NAME AND ADDRESS: DOYT H SIMCOE
ROXIE J SIMCOE
562 SUNRISE BLVD N
TWIN FALLS, ID 83301

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER
PURPOSES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	1.54 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R13E S27 NESW 40.0 58.0 Acres Total	NWSW 18.0
	Stockwater	Within Gooding County
	T07S R13E S27 NESW	NWSW

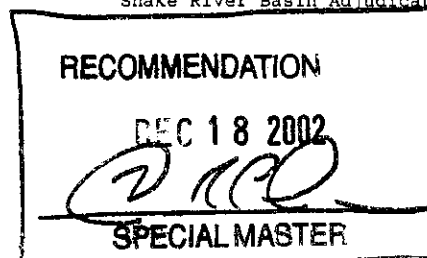
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER
USE 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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



CO., IDAHO



Water Right(s): 36-00003F

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CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
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Phone: 208-334-2400

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): 36-00003F

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 December 18, 2002, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

NORTH SNAKE GROUND WATER DIST
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

PAGE 1
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STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DOYT H SIMCOE

DOYT H. SIMCOE

ROXIE J SIMCO

ROXIE J SIMCOE

Represented by:

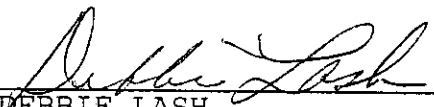
PATRICK D. BROWN

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DEBBIE LASH
Deputy Clerk