

FILED *gc* 07-08-04  
BY-SRBA  
DO, IDAHO

**FOR WATER RIGHTS: 37-07338,  
37-20838 AND 37-20839**

## Page 1

## II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-07338 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-20838 and 37-20839 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: February 21, 2003.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
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 37-20838

2003 FEB 21 PM 2:49

FILED  
TWIN FALLS CO., IDAHO  
4

NAME AND ADDRESS: ELLIOTT FAMILY LIMITED  
PARTNERSHIP  
HC60 BOX 1745  
BLISS, ID 83314

SOURCE: GROUND WATER

QUANTITY: 1.15 CFS  
555.50 AFY

PRIORITY DATE: 02/06/1974

POINT OF DIVERSION: T06S R13E S14 SENESE Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.15 CFS<br>555.50 AFY |

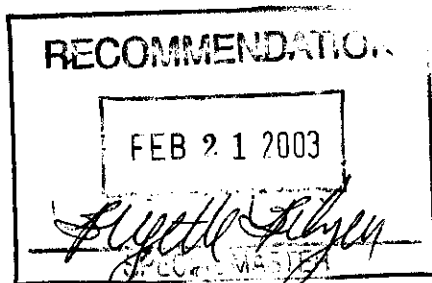
| PLACE OF USE: | Irrigation        |           | Within Gooding County |
|---------------|-------------------|-----------|-----------------------|
|               | T06S R13E S13     | NESW 34.0 | NWSW 32.0             |
|               |                   | SWSW 30.0 | SESW 33.0             |
|               |                   | NESE 32.0 | NWSE 33.0             |
|               | S14               | NENE 39.0 | SWNE 33.0             |
|               |                   | SENE 40.0 | NESE 39.0             |
|               |                   | NWSE 31.0 |                       |
|               | 376.0 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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BO, IDAHO

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TWIN FALLS CO, IDAHO  
FEB 21 2003

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

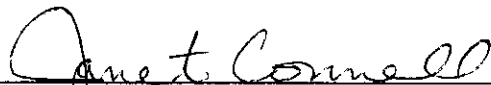
Water Right(s): 37-07338  
37-20838 37-20839

On February 21, 2003, Special Master BRIGETTE BILYEU 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 February 21, 2003.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

2003 FEB 21 PM 2:49

DIST. T-SRBA  
TWIN FALLS CO., IDAHO  
FILED *dc*

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): 37-07338  
37-20838 37-20839

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 February 21, 2003, with sufficient first-class postage prepaid to the following:

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

ELLIOTT FAMILY LIMITED  
PARTNERSHIP  
HC 60 BOX 1745  
BLISS, ID 83314  
Phone: 208-352-4680

STATE OF IDAHO  
Represented by:  
DAVID J. BARBER  
STATEHOUSE RM 210  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

CERTIFICATE OF MAILING

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02/21/03

FAULKNER LAND & LIVESTOCK CO

Represented by:

JOSEPHINE P. BEEMAN

409 WEST JEFFERSON STREET

BOISE, ID 83702

Phone: 208-331-0950

UNITED STATES OF AMERICA

UNITED STATES OF AMERICA BLM

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

ELLIOTT FAMILY LIMITED

PARTNERSHIP

HC60 BOX 1745

BLISS, ID 83314

  
JANET CONNELL  
Deputy Clerk