

Department of Water Resources

2003 JAN -2 PM 4: 15

100-443894
 TWIN FALLS, IDAHO
 FILED *JE*

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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT 37-07575

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 for the elements of this water right.

An *Objection* was filed by the United States Bureau of Land Management on October 11, 2002. The *Objection* was resolved on December 31, 2002 with the filing of a *Stipulation to Resolve Objection*. All parties to the subcase and IDWR are signatories to the *Stipulation*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: January 2, 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 37-07575

2003 JAN -2 PM 4:15

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS:

4-BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE, ID 83352

SOURCE:

GROUND WATER

QUANTITY:

2.21 CFS
1072.00 AFY

PRIORITY DATE:

03/28/1977

POINT OF DIVERSION:

T05S R15E S11 SENWSE Within Gooding County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.21 CFS
		1072.00 AFY

PLACE OF USE:

Place of Use	Acres	Within Gooding County
T05S R15E S10	SESE 15.0	
S11	NESW 38.0	SWSW 34.0
	SESW 38.0	NWSE 32.0
S14	SWSE 38.0	
	NWNE 36.0	SWNE 14.0
	NENW 39.0	NWNW 36.0
S15	SWNW 6.0	SENE 16.0
	NENE 7.0	
349.0 Acres Total		

PLACE OF USE IN T05S, R15E, S14, SWNW DOES NOT INCLUDE
FEDERAL PUBLIC LANDS.

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.

RECOMMENDATION

JAN 02 2003

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

JAN - 3 2003

Department of Water Resources

100-373A
 VINELAND, IDAHO

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 37-07575

On January 02, 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 January 02, 2003.

Janet Connell
JANET CONNELL
Deputy Clerk

RECEIVED

JAN - 3 2003

Department of Water Resources

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FILED
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

CERTIFICATE OF MAILING

Water Right(s): 37-07575

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 January 02, 2003, with sufficient first-class postage prepaid to the following:

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

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

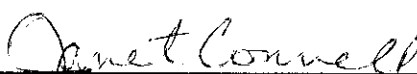
FAULKNER LAND & LIVESTOCK CO
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

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01/02/03

UNITED STATES OF AMERICA BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

4-BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE, ID 83352
Phone: 208-886-7716



JANET CONNELL
Deputy Clerk