

2003 JAN 13 AM 8:35

FILED 51-SRBA
TWIN FALLS, IDAHO
1/13/03

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 51-04106

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 December 5, 1997, United States Department of Justice, Bureau of Land Management filed an objection to subcase 51-04106. On January 22, 1998, the claimant, Wells Livestock Inc., filed a *Motion to Amend the Claim*. The *Motion* was granted. An *Amended Director's Report* was filed on March 27, 2001, with changes to the address, point of diversion, place of use elements and language. The United States filed an *objection* to the *Amended Director's Report*. Wells Livestock Inc. filed a *response* to the *objection*. On May 10, 2002, Walter Wells filed a *Motion to Withdraw Response to Objection*. Subsequently, on July 15, 2002, United States filed a *Motion to Dismiss Objection* stating "Upon further investigation of the facts, the BLM respectfully requests that its objection be dismissed, without prejudice."

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 51-04106 be decreed with the elements as set forth in the attached *Special Master Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 51-04106*.

DATED: January 9, 2003.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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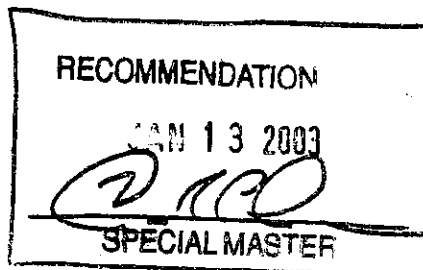
14-00000

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Jul-19-2002

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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FILED
TWIN FALLS, IDAHO
JUL 13 2003
CLERK OF DISTRICT COURT

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): 51-04106

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 13, 2003, with sufficient first-class postage prepaid to the following:

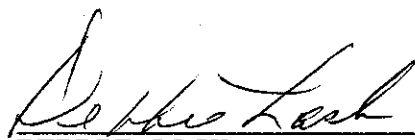
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

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

WELLS LIVESTOCK INC
782 E 3800 N
BUHL, ID 83316-5934
Phone: 208-537-6709

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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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

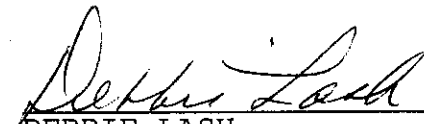
Water Right(s): 51-04106

On January 13, 2003, 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 January 13, 2003.


DEBBIE LASH
Deputy Clerk