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Department of Water Resources

2003 JAN 24 AM 10:26

FILED
JAN 24 2003
TWIN FALLS CO., IDAHO
CLERK

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 65-02864
	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above listed 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 August 6, 1998, the United States of America, USDA Forest Service filed an objection to the above listed water right. On June 28, 2000, a *Stipulation for Dismissing Objection F/B U.S. and Richard L. Area* was filed. The Stipulation was granted. Subsequently, a *Notice of Administrative Proceeding* was filed on June 2, 2002, settling the objection filed by the USDA Forest Service.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Notice of Administrative Proceeding*, IT IS RECOMMENDED that water right 65-02864 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 65-02864*.

DATED January 24, 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. 39576)
)
) Water Right 65-02864

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NAME AND ADDRESS: JUDITH AREA
RICHARD L AREA
2345 SILVER CREEK RD
GARDEN VALLEY, ID 83622

SOURCE: SILVER SPRING (HOT) TRIBUTARY: SILVER CREEK

QUANTITY: 0.02 CFS
0.10 AFY

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

PRIORITY DATE: 08/11/1966

POINT OF DIVERSION: T12N R05E S36 NWNESE Within Valley County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic 01-01 TO 12-31 0.02 CFS
0.10 AFY

DOMESTIC USE IS FOR CULINARY USE AT A CAMPGROUND AND DOES NOT
INCLUDE LAWN, GARDEN LANDSCAPE OR OTHER TYPES OF IRRIGATION

PLACE OF USE: Domestic Within Valley County
T12N R05E S36 SWNE SENE
NESE NWSE

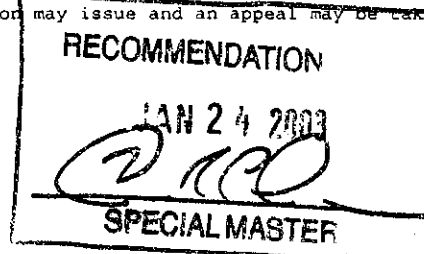
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
DIVERSION OF WATER FROM SILVER SPRINGS (HOT) IS LIMITED TO THOSE
TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THESE RIGHTS AND
PRIORITIES FROM THE ORIGINAL SOURCES OF CONTROL CREEK AND
UNNAMED STREAM

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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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-02864

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 24, 2003, with sufficient first-class postage prepaid to the following:

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

JUDITH AREA
RICHARD L AREA
2345 SILVER CREEK RD
GARDEN VALLEY, ID 83622
Phone: 208-466-7112



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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01/24/03

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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

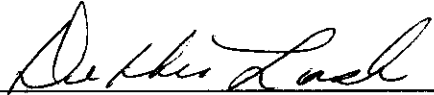
Water Right(s): 65-02864

On January 24, 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 24, 2003.


DEBBIE LASH
Deputy Clerk