

2003 MAR 11 PM 2:01

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *Qc*

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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 37-17396

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 Faulkner Land & Livestock Co. on October 10, 2002. The *Objection* was resolved on January 8, 2003 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*. It appears, however, that the *Standard Form 5* contains an error in the place of use. The place of use lists T06S, R16E, S08, NESE in Gooding County. Section 8 is apparently located within Lincoln County as set forth in the *Director's Report*.

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*. The *Special Master's Report and Recommendation* describes T06S, R16E, S08, NESE within Lincoln County.

DATED: March 11, 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 37-17396

2003 MAR 11 PM 2:01

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *fe*

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.05 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO.
37-10606 AND IS LIMITED TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/10/1984

POINT OF DIVERSION: T06S R15E S13 NWNENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.05 CFS

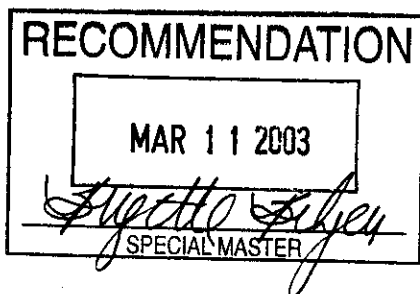
PLACE OF USE:	Stockwater		Within Gooding County
	T06S R15E S23 LOT 2 (NWNE)		
	S26 SWSW		
	R16E S08 NESE		Within Lincoln County
	S18 NENW	LOT 3 (NWSW)	Within Gooding County
	S30 NWNE		

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.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT
IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION
AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON
AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND FAULKNER
LAND & LIVESTOCK CO., FILED IN THE OFFICE OF THE GOODING COUNTY
RECORDER AND RECORDED ON NOVEMBER 18, 2002 AS INSTRUMENT NO.:
97851; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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

2003 MAR 11 PM 2:01

DIST. CLERK OF SRBA
TWIN FALLS, 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

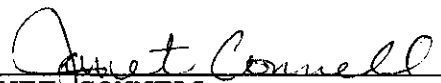
Water Right(s): 37-17396

On March 11, 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 March 11, 2003.



JANET CONNELL
Deputy Clerk

RECEIVED
JAN 10 1968
FBI - BOISE

JAN 10 1968
FBI - BOISE

FILED

OFFICE OF THE ATTORNEY GENERAL
BOISE, IDAHO

OF

In Re SRBA)
)
Case No. 39576)
)

Water Right(s) : 37-17396

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 March 11, 2003, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

FAULKNER LAND & LIVESTOCK CO

Represented by:

NORMAN M. SEMANKO

ATTORNEY AT LAW

205 N 10TH ST, STE 530

BOISE, ID 83702

Phone: 208-344-6690

UNITED STATES OF AMERICA ACTIN

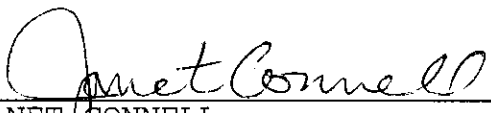
USDI BUREAU OF LAND MANAGEMENT

IDAHO STATE OFFICE

1387 S VINNELL WY

BOISE, ID 83709-1657

Phone: 208-373-4000



JANET CONNELL
Deputy Clerk