

|                                                                                         |       |
|-----------------------------------------------------------------------------------------|-------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| MAR 25 2003                                                                             |       |
| By _____                                                                                | Clerk |
| Deputy 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     | ) | <b>SPECIAL MASTER'S REPORT</b>             |
|                | ) |                                            |
| Case No. 39576 | ) | <b>FINDINGS OF FACT AND</b>                |
|                | ) | <b>CONCLUSIONS OF LAW</b>                  |
|                | ) |                                            |
|                | ) | <b>FOR WATER RIGHTS 65-02276, 65-22347</b> |
|                | ) | <b>&amp; 65-22348</b>                      |

**I. FINDINGS OF FACT**

A notice of claim was filed for water right 65-02276 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 April 17, 2000, an objection was filed by the United States of America, Bureau of Reclamation. On May 21, the Idaho Department of Water Resources filed a Notice of Administrative Proceeding recommending that water right 65-02276 be split into 65-22347 and 65-22348. The United States filed a *Motion by the United States to Withdraw It's Objection*. An ***Order Granting Motion to Withdraw Objections filed by United States of America*** was issued on February 26, 2002. Deadlines were set for objections and responses to the amended recommendations. The deadlines followed docket sheet procedure. No objections were filed and the time for filing as expired.

**II. CONCLUSIONS OF LAW**

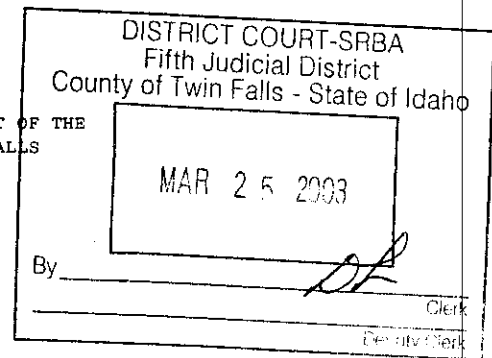
Therefore based on the file and record herein and pursuant to the *Notice of Administrative Proceeding*, IT IS RECOMMENDED that water right 65-02276 be decreed **disallowed** and water rights 65-22347 and 65-22348 be **decreed** with the elements as set forth in the attached ***Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b) for Water Rights 65-22347 and 65-22348***.

DATED March 25, 2003.

  
 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 65-22347



NAME AND ADDRESS: ESTATE OF MARGARET E KLEINT  
PO BOX 42  
DONNELLY, ID 83615

SOURCE: UNNAMED STREAMS TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.80 CFS

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE  
AND SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/29/1945

POINT OF DIVERSION: T16N R02E S12 NESE Within Valley County  
SESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-15 | 0.80 CFS |
|                               | Domestic       | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Valley County  
T16N R03E S07 SWSW 10.0  
S18 NWNW 20.0  
30.0 Acres Total

Domestic Within Valley County  
Same as Irrigation

PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE IRRIGATION  
OF FEDERAL LAND.

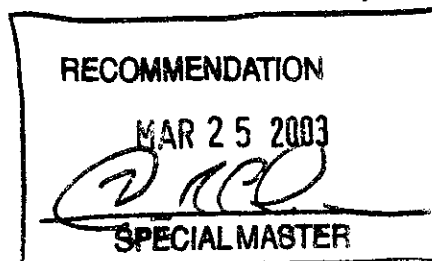
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

SOURCE IS KNOWN LOCALLY AS KLEINT CREEK.  
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



MAR 25 2003

By \_\_\_\_\_ Clerk  
Deputy 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 )  
Case No. 19576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-22348

NAME AND ADDRESS: PAUL R & GRETEL M KLEINT  
PO BOX 42  
DONNELLY, ID 83615

SOURCE: GOLD FORK RIVER TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.20 CFS  
30.00 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE  
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.0 AFA PER ACRE AT  
THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIORITY DATE: 04/27/2001

POINT OF DIVERSION: T16N R03E S25 NWNWN Within Valley County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-15 TO 10-15 0.20 CFS  
30.00 AFY

PLACE OF USE: Irrigation Within Valley County  
T16N R03E S23 NENW 10.0  
10.0 Acres Total

PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE THE  
IRRIGATION OF FEDERAL 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  
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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

RECOMMENDATION

MAR 25 2003

SPECIAL MASTER

MAR 25 2003

By

Clerk

Deputy 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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 65-02276  
65-22347 65-22348

CERTIFICATE OF MAILING

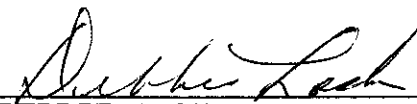
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 25, 2003, with sufficient first-class postage prepaid to the following:

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

USDI BUREAU OF RECLAMATION

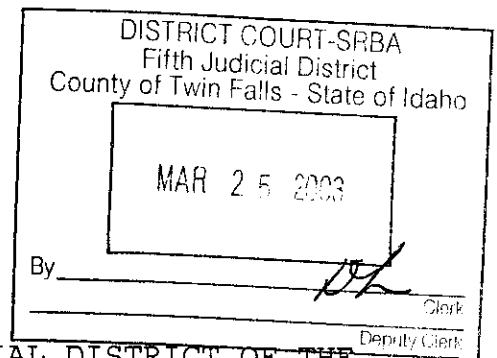
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

ESTATE OF MARGARET E KLEINT  
PAUL R & GRETTEL M KLEINT  
PO BOX 42  
DONNELLY, ID 83615

  
DEBBIE LASH  
Deputy Clerk

CERTIFICATE OF MAILING

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03/25/03



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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

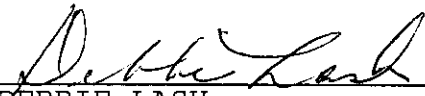
Water Right(s): 65-02276  
65-22347 65-22348

On March 25, 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 March 25, 2003.

  
DEBBIE LASH  
Deputy Clerk