

DISTRICT COURT-SRBA Fifth Judicial District 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	)	SPECIAL MASTER'S REPORT
	)	
	)	ORDER VACATING INITIAL HEARING
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT NOS.:72-00032F, 72-16628 and 72-16629

I. FINDINGS OF FACT

A notice of claim was filed for water right 72-00032F 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 Reports* contained a recommendation for the elements of this water right.

The SRBA District Court received correspondence on August 7, 2002 from Jim Smith, representative for: Kay Elsethagen, Sally Jean Foss, Kathy Sue Smith and Tamara Cole. The correspondence was treated as a *Motion to Set Aside Partial Decree*. An *Amended Director's Report* was filed on January 15, 2003, splitting water right 72-00032F into water rights 72-16628 and 72-16629. An Initial Hearing is currently set for April 4, 2003. IT IS ORDERED that the hearing is vacated.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Amended Director's Report*, IT IS RECOMMENDED that water right claim 72-00032F be decreed as **disallowed** and 72-16628 and 72-16629 be decreed with the elements as set forth in the attached *Special Master Recommendation's for Partial Decrees pursuant to I.R.C.P. 54(b) for Water Rights 72-16628 and 72-16629*.

DATED: March 19, 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

DISTRICT COURT-SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

MAR 25 2003

By

Clerk

Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 72-16628

NAME AND ADDRESS: TAMARA COLE
SALLY FOSS & KATHY SUE SMITH
KAY M ELSETHAGEN
BOX 1416
SALMON, ID 83467

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.82 CFS

PRIORITY DATE: 07/22/1910

POINT OF DIVERSION: T14N R19E S07 LOT 10 (SWNNWN) Within Custer County
S28 NWNWNW (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.82 CFS

PLACE OF USE: Irrigation Within Custer County
T14N R19E S21 SESW 37.0
37.0 Acres Total

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

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
Shane River Basin Adjudication

RECOMMENDATION

MAR 25 2003

SPECIAL MASTER

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 25 2003

By

Clerk

Deputy Clerk

RECOMMENDATION

MAR 25 2003

2100

SPECIAL MASTER

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 25 2003
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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-00032F
72-16628 72-16629

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

SALLY FOSS
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

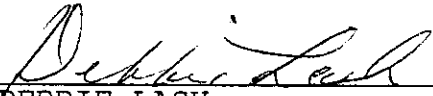
CHERIE MC FARLAND
P O BOX 73
CARMEN, ID 83462

CERTIFICATE OF MAILING

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03/25/03

TAMARA COLE
SALLY FOSS & KATHY SUE SMITH
KAY M ELSETHAGEN
BOX 1416
SALMON, ID 83467

KATHY SUE SMITH
KAY M ELSETHAGEN
TAMMY EICHNER
5621 E AMITY
NAMPA, ID 83687
Phone: 208-465-0921


DEBBIE LASH
Deputy Clerk

DISTRICT COURT-SRBA
Fifth Judicial District
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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

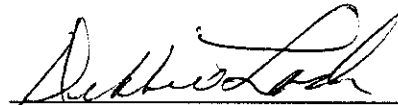
Water Right(s): 72-00032F
72-16628 72-16629

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