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Department of Water Resources

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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) Subcase 36-15532
Case No. 39576) (Idaho State Building Authority)
SPECIAL MASTER REPORT

Findings of Fact

On June 18, 1999, the Presiding Judge of the SRBA entered an *Order Granting Motion to File Late Notice of Claim* in 36-15532. The Director of the Idaho Department of Water Resources filed his *Director's Report, Subcase Nos. 36-15532, 36-15533 and 36-15538* on August 31, 2000. The Director recommended 36-15532 to Dan and Irma McFaddan for 6.8 cfs from Florence Livestock Spring for year-round fish propagation with a priority date of June 1, 1969, based on beneficial use.

On September 28, 2000, the McFaddans filed an *Objection* to quantity. The same date, the North Snake Ground Water District and Faulkner Land & Livestock Company filed *Objections* to all the claimed elements and alleged the water right should not exist. Cranney Bros. also filed an *Objection* the same date alleging the water right should not exist.

On November 13, 2001, IDWR filed a *Notice of Completed Administrative Proceeding* for a substitution of party from the McFaddans to the Idaho State Building Authority, P.O. Box 2802, Boise, Idaho 83701. Finally, on May 8, 2002, the Idaho State Building Authority, the North Snake Ground Water District, Cranney Bros. and IDWR filed a *Standard Form 5*.

Conclusions of Law

The Idaho State Building Authority is entitled to a partial decree adjudicating a water right under claim 36-15532 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 36-15532*.

DATED May 20, 2002.


TERRENCE A. DOLAN
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 36-15532

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.80 CFS

DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED
BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.58 CFS.
DURING THE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00049 &
36-15533.
THE PORTION OF THIS RIGHT IN EXCESS OF 2.90 CFS IS SUBORDINATED
TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH A PRIORITY
DATE BEFORE DECEMBER 31, 2001.

PRIORITY DATE: 06/01/1969

POINT OF DIVERSION: T07S R13E S12 SESENW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	6.80 CFS

PLACE OF USE: Fish Propagation Within Gooding County
T07S R13E S11 NESE SESE

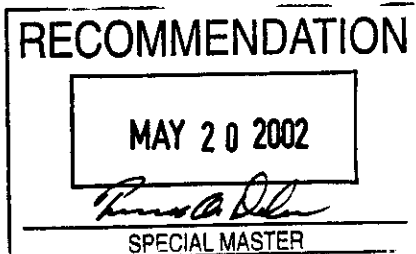
THE FISH PROPAGATION USE UNDER THIS RIGHT IN EXCESS OF 2.90 CFS
IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH
PRIORITY DATES BEFORE DECEMBER 31, 2001.

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
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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TWIN FALLS, IDAHO
~~DISTRICT OF THE~~

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

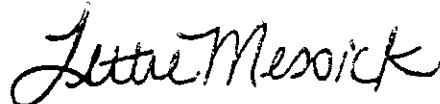
Water Right(s): 36-15532

On May 20, 2002, Special Master TERRENCE A. DOLAN 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 May 20, 2002.



LETTIE MESSICK
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 36-15532

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 May 20, 2002, with sufficient first-class postage prepaid to the following:

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

FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CRANNEY BROS
Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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DAN & IRMA MCFADDAN

Represented by:

PATRICK D. BROWN

HUTCHINSON & BROWN, LLP

P O BOX 207

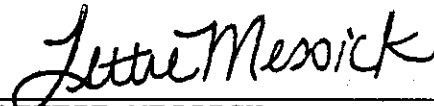
TWIN FALLS, ID 83303-0207

Phone: 208-733-9300

IDAHO STATE BUILDING AUTHORITY

PO BOX 2802

BOISE, ID 83701



LETTIE MESSICK

Deputy Clerk