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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)
)
)
)
_____)

**SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

FOR WATER RIGHTS
65-02316, 65-02943A, 65-02967A,
65-04047 and 65-08252**

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water rights 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 these water rights.

On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The Motion was granted on July 28, 2000. The objections were filed to “General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration.” On September 20, 2002, *Standard Form’s 5* were filed. All parties and IDWR are signatures to the *Standard Form’s 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form's* 5 and the attached Appendix A, IT IS RECOMMENDED that these water rights 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* 65-02316, 65-02943A, 65-02967A, 65-04047 and 65-08252.

DATED November 4, 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

2007 NOV -4 PM 1:45

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-02316

FILED
TWIN FALLS CO. IDAHO
11

NAME AND ADDRESS: GERALDINE M SHAW
JOHN H SHAW
326 BOULDER LAKE RD
MC CALL, ID 83638

SOURCE: SHAW TWIN LAKES TRIBUTARY: LAKE FORK CREEK
BOULDER CREEK CASCADE RESERVOIR

QUANTITY: 1.60 CFS
188.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE: COMBINED RIGHT NOS.: 65-02967A, 65-04047,
65-08252

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN 5.0 AFA/ACRE: COMBINED RIGHT NOS.: 65-02967A,
65-02943A, 65-08252.

PRIORITY DATE: 06/30/1924

POINT OF DIVERSION: T18N R04E S19 SESW Within Valley County
S22 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.60 CFS
	Irrigation from Storage	04-15 TO 10-15	1.60 CFS
			188.00 AFY
	Stockwater from Storage	01-01 TO 12-31	1.60 CFS
			4.10 AFY
	Irrigation Storage	01-01 TO 12-31	188.00 AFY
	Stockwater Storage	01-01 TO 12-31	4.10 AFY

PLACE OF USE:			
	Irrigation		Within Valley County
	T18N R03E S24	NESW 33.0	SWSE 8.0
	S25	NWNE 26.0	NENW 33.0
	100.0 Acres Total		

Irrigation Storage	Within Valley County
Same as Irrigation	

Irrigation from Storage	Within Valley County
Same as Irrigation	

Stockwater Storage	Within Valley County
Same as Irrigation	

Stockwater from Storage	Within Valley County
Same as Irrigation	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

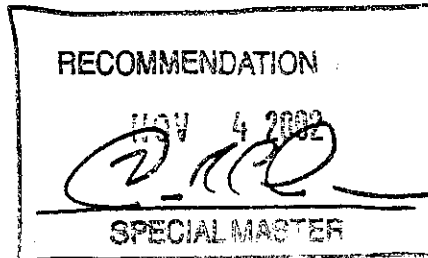
OTHER PROVISIONS (continued)

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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PAGE 1
Oct-21-2002

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 65-02967A

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FILED
TWIN FALLS CO., IDAHO
RK

NAME AND ADDRESS: GERALDINE M SHAW
JOHN H SHAW
326 BOULDER LAKE RD
MC CALL, ID 83638

SOURCE: JUG CREEK TRIBUTARY: LOUIE CREEK
BOULDER CREEK CASCADE RESERVOIR

QUANTITY: 3.32 CFS
89.40 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN .02 CFS/ACRES: COMBINED RIGHT NOS.: 65-02316, 65-04047
65-08252.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN 5.0 AFA/ACRE: COMBINED RIGHT NOS.: 65-02316 & 65-02943A
65-08252.

PRIORITY DATE: 07/08/1966

POINT OF DIVERSION: T17N R04E S05 LOT 3 (NENW) Within Valley County
T18N R04E S19 SESW

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH
ROSEBERRY IRRIGATION DISTRICT.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-15 TO 10-15	89.40 AFY
	Irrigation	04-15 TO 10-15	3.32 CFS
	Irrigation Storage	01-01 TO 12-31	89.40 AFY

PLACE OF USE:	Irrigation	Within Valley County
	Same as Irrigation from Storage	
	Irrigation from Storage	Within Valley County
	T18N R03E S24	NESW 23.0 SWSE 26.0 S25 NENE 8.0 NENW 33.0
		SESW 37.0 NWNE 40.0
	167.0 Acres Total	

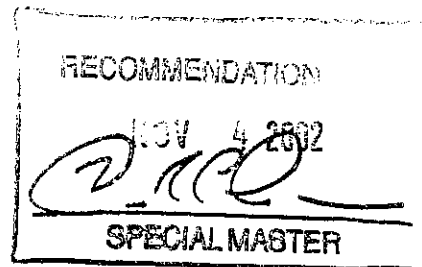
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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Roger Burdick
Presiding Judge of the
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 65-04047

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FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: GERALDINE M SHAW
JOHN H SHAW
326 BOULDER LAKE RD
MC CALL, ID 83638

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 1.60 CFS
4.10 APY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN .02 CFS/ACRES: COMBINED RIGHT NOS.: 65-02316, 65-02967A
65-08252.

PRIORITY DATE: 03/16/1927

POINT OF DIVERSION: T18N R04E S19 SESW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.60 CFS
	Stockwater	01-01 TO 12-31	0.07 CFS
			4.10 APY

PLACE OF USE: Irrigation Within Valley County
T18N R03E S24 SESW 33.0 SWSE 8.0
S25 NWNE 26.0 NENW 33.0
100.0 Acres Total
Stockwater Within Valley County
Same as Irrigation

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

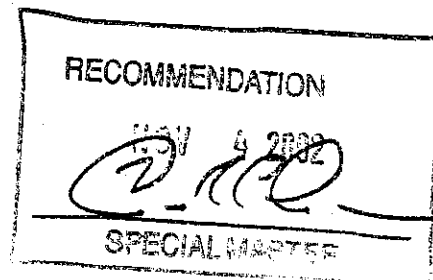
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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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Roger Burdick
Presiding Judge of the
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 65-08252

2002 NOV -4 PM 1:45

FILED
TWIN FALLS, IDAHO
JUL 12 2002

NAME AND ADDRESS: GERALDINE M SHAW
JOHN H SHAW
326 BOULDER LAKE RD
MC CALL, ID 83638

SOURCE: SPRING TRIBUTARY: HATTIES CREEK

QUANTITY: 0.04 CFS
1.20 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 11,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN .02 CFS/ACRES: COMBINED RIGHT NOS.: 65-02316, 65-02967A
65-04047.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN 5.0 AFA/ACRE: COMBINED RIGHT NOS.: 65-02943A, 65-02316
65-02967A

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T18N R03E S25 NENW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 AFY
	Stockwater	01-01 TO 12-31	0.04 CFS 9.40 AFY
	Irrigation	04-15 TO 10-15	0.02 CFS 9.40 AFY

PLACE OF USE: Irrigation Within Valley County
T18N R03E S25 NENW 1.0
1.0 Acres Total
Stockwater Within Valley County
Same as Irrigation
Domestic Within Valley County
Same as Irrigation

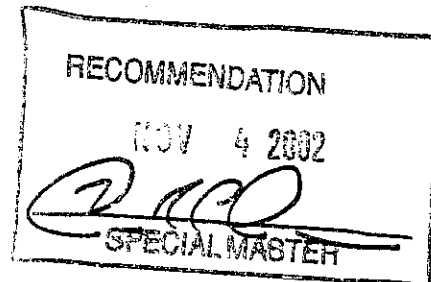
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



APPENDIX A

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

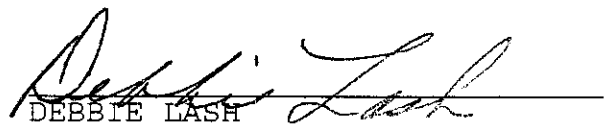
Water Right(s): 65-02316
65-02943A 65-02967A 65-04047
65-08252

On November 04, 2002, 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 November 04, 2002.


DEBBIE LASH
Deputy Clerk

2002 NOV -4 PM 1:45

CLERK OF DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED *PK*

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): 65-02316
65-02943A 65-02967A 65-04047
65-08252

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 November 04, 2002, with sufficient first-class postage prepaid to the following:

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

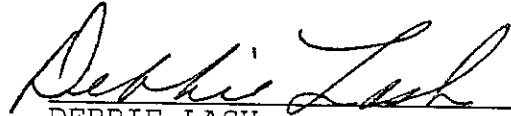
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
11/04/02

GERALDINE M SHAW
JOHN H SHAW
326 BOULDER LAKE RD
MC CALL, ID 83638
Phone: 208-634-5887


DEBBIE LASH
Deputy Clerk