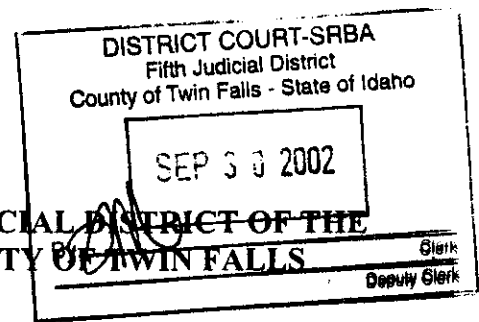




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase 85-10666
Case No. 39576) (Newman)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

On December 29, 2000, Presiding Judge Roger Burdick entered a *Partial Decree* adjudicating to Wayne Newman, P.O. Box 337, Stites, Idaho 83552-0337, .03 cfs from a spring for year-round stockwater use in Idaho County with a priority date of May 1, 1937. On January 10, 2001, Mr. Newman wrote to the Court stating there were errors in the point of diversion and place of use. The matter was referred to the Special Master on March 8, 2001.

The Idaho Department of Water Resources filed its *Supplemental Director's Report Regarding Partial Decree for Water Right Claim No. 85-10666* on June 8, 2001. IDWR did not recommend the *Partial Decree* be set aside or modified as requested by Mr. Newman because he does own the land where he requested the point of diversion and place of use be described. However, on August 22, 2002, Mr. Newman and IDWR filed an *Amended Claim Standard Form 5* agreeing on the point of diversion and place of use (no changes), but adding a year-round domestic use.

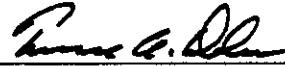
Conclusions of Law

Mr. Newman has shown good cause to amend the *Partial Decree* and is entitled to a partial decree adjudicating a water right as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Amended Partial Decree for Water Right 85-10666*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and modified as described in the attached *Special Master Recommendation for Amended Partial Decree for Water Right 85-10666*.

DATED September 30, 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

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

AMENDED

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 85-10666

SEP 30 2002
By *[Signature]* Clerk
Deputy Clerk

NAME AND ADDRESS: WAYNE NEWMAN
PO BOX 337
STITES, ID 83552-0337

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/01/1937

POINT OF DIVERSION: T31N R04E S05 SESWNW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.03 CFS
	Domestic	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Stockwater Within Idaho County
T31N R04E S05 SWNW

Domestic Within Idaho County
T31N R04E S05 SWNW

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.

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

RECOMMENDATION
SEP 30 2002
[Signature]
SPECIAL MASTER

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

SEP 30 2002

By [Signature] Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 85-10666

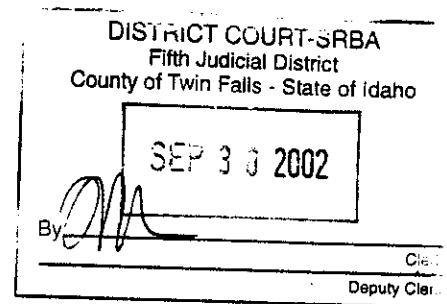
On September 30, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 September 30, 2002.

[Signature]
LETTIE MESSICK
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)

CERTIFICATE OF MAILING

Case No. 39576)

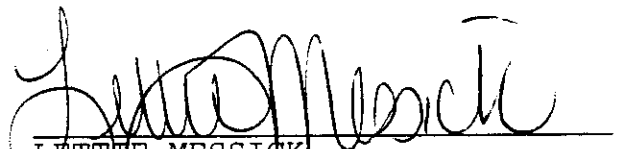
Water Right(s): 85-10666

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 September 30, 2002, with sufficient first-class postage prepaid to the following:

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

WAYNE NEWMAN
PO BOX 337
STITES, ID 83552-0337
Phone: 208-926-7522


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
09/30/02