

SEP 30 2002

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**

|                       |   |                                                 |
|-----------------------|---|-------------------------------------------------|
| <b>In Re SRBA</b>     | ) | <b>Subcases 85-11143, 85-11144 and 85-11145</b> |
|                       | ) | <b>(Stuck)</b>                                  |
| <b>Case No. 39576</b> | ) |                                                 |
|                       | ) | <b>SPECIAL MASTER REPORT</b>                    |
|                       | ) | <b>AND RECOMMENDATION</b>                       |

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**Findings of Fact**

On December 29, 2000, Presiding Judge Roger Burdick entered *Partial Decrees* adjudicating to Forrest and Marie Stuck, Route 2, Box 215, Grangeville, Idaho 83530, three water rights from groundwater and a spring for year-round domestic and stockwater uses in Idaho County. On February 5, 2001, the Stucks wrote to the Court stating there were errors in the point of diversion and place of use. The matters were 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 Nos. 85-11143, 85-11144 and 85-11145* on June 8, 2001. IDWR did not recommend the *Partial Decrees* be set aside or modified as requested by the Stucks. On August 19, 2002, IDWR filed its *2<sup>nd</sup> Supplemental Director's Report Regarding Partial Decree for Water Right Claim Nos. 85-11143, 85-11144 and 85-11145*. Based on a corrected warranty deed provided by the Stucks, IDWR amended its descriptions of the point of diversion and place of use. No objections were filed.

**Conclusions of Law**

Forrest and Marie Stuck have shown good cause to amend the *Partial Decrees* and are entitled to partial decrees adjudicating water rights as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Amended Partial Decrees for Water Rights 85-11143, 85-11144 and 85-11145*.

**Recommendation**

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* be set aside and modified as described in the attached *Special Master Recommendation for Amended Partial Decree for Water Right 85-11143, 85-11144 and 85-11145*.

DATED September 30, 2002.

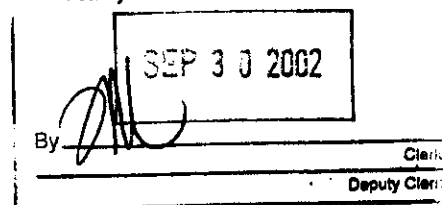


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TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE DISTRICT COURT-SRBA  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS Fifth Judicial District  
County of Twin Falls - State of Idaho

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 85-11143



NAME AND ADDRESS: FORREST G STUCK  
MARIE E STUCK  
RT 2 BOX 215  
GRANGEVILLE, ID 83530

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 05/31/1975

POINT OF DIVERSION: T30N R03E S26 LOT 6 (NESW ) Within Idaho County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Domestic Within Idaho County  
T30N R03E S26 LOT 5 (SNNW)

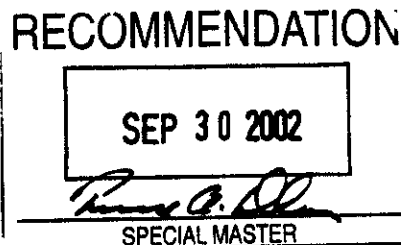
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

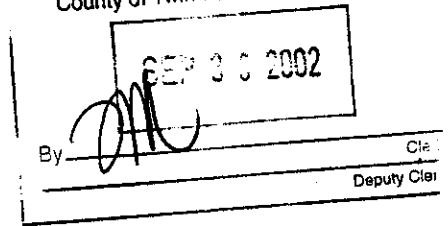


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 85-11144



NAME AND ADDRESS: FORREST G STUCK  
MARIE E STUCK  
RT 2 BOX 215  
GRANGEVILLE, ID 83530

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/31/1965

POINT OF DIVERSION: T30N R03E S26 LOT 6 (NWNWSW) Within Idaho County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Idaho County  
T30N R03E S26 LOT 5 (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  
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\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

SEP 30 2002  
\_\_\_\_\_  
SPECIAL MASTER

## County of Twin Falls - State of Idaho

SEP 30 2002

By [Signature] Clerk  
Deputy Clerk

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Aug-26-2002

|                                                                                        |       |
|----------------------------------------------------------------------------------------|-------|
| DISTRICT COURT-SRBA                                                                    |       |
| Fifth Judicial District                                                                |       |
| County of Twin Falls - State of Idaho                                                  |       |
| SEP 30 2002                                                                            |       |
| 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

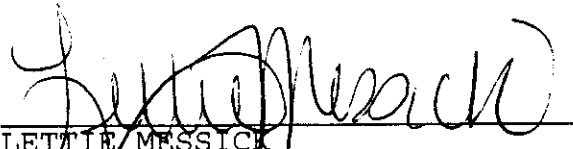
Water Right(s): 85-11143  
85-11144 85-11145

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.

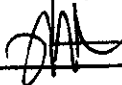
Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED September 30, 2002.

  
LETTIE MESSICK  
Deputy Clerk

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

SEP 30 2002

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): 85-11143  
85-11144 85-11145

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

FORREST G STUCK  
MARIE E STUCK  
RT 2 BOX 215  
GRANGEVILLE, ID 83530  
Phone: 208-983-2720

  
LETTIE MESSICK  
Deputy Clerk

CERTIFICATE OF MAILING

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09/30/02