

ST-SRBA
IDAHO CO., IDAHO
FILED

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

AMENDED SPECIAL MASTER'S
REPORT

FOR WATER RIGHT: 63-31174

The above-captioned subcase was claimed 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 and filed a *Director's Report*. The *Director's Report* contained a recommendation for these water rights.

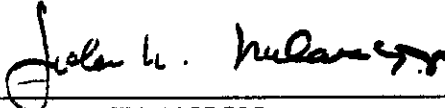
On June 23, 2004 Special Master Thomas Cushman issued a *Special Master's Report and Recommendation*. On July 6, 2004, the Court rescinded the *Order of Reference to Special Master Thomas Cushman*, and ordered the *Special Master's Report* withdrawn, as the two season of use objections were still outstanding. The Court set a Status Conference for August 17, 2004. The Court

ruled that Judge John M. Melanson would preside over the subcase in the same manner as specified in *Administrative Order 1* for proceedings by Special Masters. A Status Conference was held on August 17, 2004. On September 17, 2004, a *Standard Form 5/Stipulated Elements of a Water Right* form was filed signed by the Claimant and the remaining Objectors. IDWR concurred in the *SF5*. The *SF5* apparently relied on an outdated *Director's Report* that was issued before either of *NCAPs* were filed, as neither the Claimant's name nor the point of diversion had been changed on the *SF5* print out. Correspondence was received from IDWR stating that the changes made by the *NCAPs* were not reflected in the printout. Because it appears that the lack of name change and lack of point of diversion change on the *SF5* printout was a clerical error, the attached *Recommendation* contains the changes made by the *NCAPs*.

II. CONCLUSIONS OF LAW

It appears from the record that all objections have been resolved. Therefore, based on the file and record herein, the *NCAPS* and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that the above water right be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: September 23, 2004



JOHN M. MELANSON
Presiding Judge
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 63-31174

2004 SEP 23 PM 3:46
FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: TREVA D HUNT
8415 W CREEKRUN WAY
BOISE, ID 83714

SOURCE: NORTH FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK

QUANTITY: 0.03 CFS
5.30 AFY

PRIORITY DATE: 07/10/1899

POINT OF DIVERSION: T05N R04E S29 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.03 CFS
			5.30 AFY

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER DISTRICT 63 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S. DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576.

PLACE OF USE: Irrigation Within Boise County
T05N R04E S29 NWSW 1.5
1.5 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

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.

Recommendation:

Sept. 23, 2004

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

John M. Melanson

2004 SEP 23 PM 3:46

FILED
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

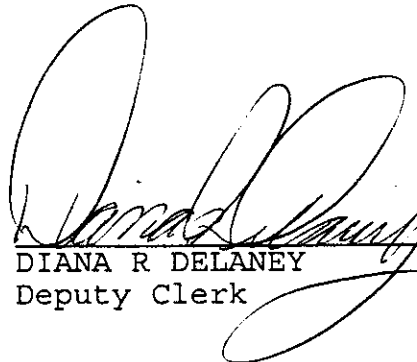
Water Right(s): 63-31174

On September 23, 2004, Special Master JOHN M MELANSON 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 23, 2004.


DIANA R DELANEY
Deputy Clerk

2004 SEP 23 PM 3:46

FILED
TWIN FALLS CO., IDAHO
SRBA

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): 63-31174

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 23, 2004, with sufficient first-class postage prepaid to the following:

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

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P. BARKER
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BOISE PROJECT BOARD OF CONTROL

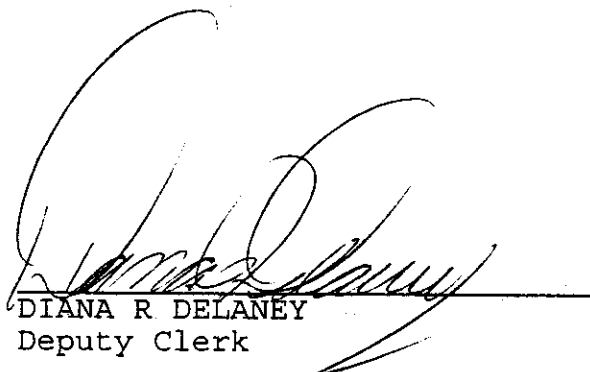
Represented by:
CHESTNUT, AMY D
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

PAGE 1
09/23/04

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

TREVA D HUNT
8415 W CREEKRUN WAY
BOISE, ID 83714



DIANA R DELANEY
Deputy Clerk