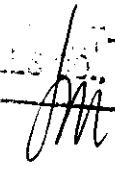


2004 SEP 24 PM 4: 27  
DISTRICT COURT - SREA  
TWIN FALLS CO. IDAHO  
FILED 

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  
)  
)  
)  
)  
)  
)

FOR WATER RIGHT: 63-31173

I. PROCEDURAL HISTORY

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.

An Objection was filed to the recommendation by the United States, Department of Agriculture, Forest Service, regarding the point of diversion. Objections were filed to the recommendation for the above right by the United States, Department of Interior, Bureau of Reclamation (United States) and the Boise Project Board of Control (Board of Control) regarding the season of use, period of year element recommended for the water right. The Idaho Department of Water Resources filed a *Case Management Report* on March 10, 2003 in the above captioned subcase. On September 22, 2003, a Notice by the United States Forest Service of withdrawal of objection was filed. On October 9, 2003, an *Order Granting Withdrawal of Objection* was entered.

On July 6, 2004, the Court rescinded the *Order of Reference to Special Master Thomas Cushman* and set a Status Conference for August 17, 2004.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's attorney and the Objectors. IDWR concurred in the *SF5*.

## II. CONCLUSIONS OF LAW

It appears from the record that all objections have been resolved. Therefore, based on the file and record herein 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 24 2004

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

PAGE 1  
Sep-24-2004

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

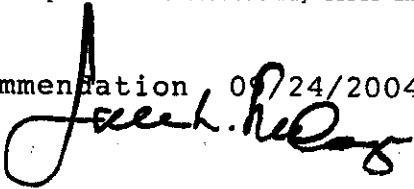
OTHER PROVISIONS (continued)

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 09/24/2004



---

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

2004 SEP 24 PM 4:28

2004 SEP 24 PM 4:28  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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): 63-31173

On September 24, 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 24, 2004.

  
JULIE MURPHY  
Deputy Clerk

2004 SEP 24 PM 4: 28

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): 63-31173

#### 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 24, 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 HOLCOMB INC  
HIDE ASSOCIATES PARTNERSHIP

Represented by:  
BARRY L MARCUS  
737 N 7TH STREET  
BOISE, ID 83702  
Phone: 208-342-3563

CERTIFICATE OF MAILING

PAGE 1  
09/24/04

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

UNITED STATES OF AMERICA

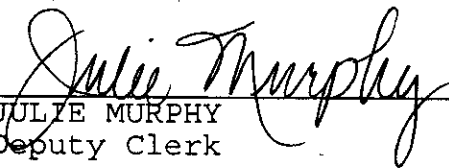
Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

  
JULIE MURPHY  
Deputy Clerk