

2002 OCT -2 AM 9:10

DIST. 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	)	SPECIAL MASTER'S
	)	RECOMMENDATION
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 65-06803

I. FINDINGS OF FACT

On September 25, 1998, Judge Hurlbutt issued a *Partial Decree* for water right 65-06803. On June 27, 2001, the SRBA District Court received an *Objection* from Everett K Allen regarding the above-captioned water right. The *Objection* was treated as a *Motion to Set Aside the Partial Decree*. On July 23, 2001, the Court entered an *Order of Reference to Special Master Thomas R. Cushman* to determine the intended purpose of the correspondence and provide a recommendation to the Court as to the disposition of the matter.

This matter was set for hearing on August 23, 2001. The Court received a Memo-Letter from J.R. Allen, his attorney in fact, stating that the objector would be out of town from August 17th through October 3rd 2001. The matter was reset for October 3, 2001, in Boise, Idaho. Mr. Allen did not appear at the hearing. The matter was set again for September 20, 2002. Mr. Allen again did not appear.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the relief sought by Mr Allen be denied for failure to prosecute.

DATED October 2, 2002.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

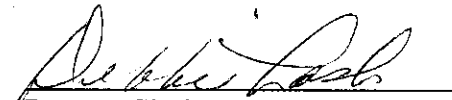
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed October 2, 2002, with sufficient first class postage to the following:

Director of IDWR
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Thomas & Lorraine Doerr
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102 S Van Wyck
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Deputy Clerk