

OF THE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 57-11572
	)	

I. FINDINGS OF FACT

A *Motion to File a Late Notice of Claim*(*Motion*) was filed for the above-captioned water right on May 10, 1999. The *Motion* was granted on September 21, 1999. A *Director's Report* was issued on March 5, 2001. On May 7, 2001, the claimant Tom Hook filed an *Objection* to the *Director's Report*. On April 12, 2002, Tom Hook filed a *Motion to File Amended Notice of Claim* requesting a change in the "place of use". On May 24, 2002, IDWR issued an *Amended Director's Report* recommending a change in "place of use" for this water right. No objections were filed to the *Amended Director's Report*. On July 2, 2002, Tom Hook filed a *Notice of Withdrawal of Objection* withdrawing the objection filed to the original *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Amended Director's Report*, IT IS RECOMMENDED that water right 57-11572 be decreed with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree pursuant to I.R.C.P. 54(b) for water right 57-11572*.

DATED October 10, 2002.

THOMAS R. CUSHMAN
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 57-11572

2002 OCT 10 PM 3:51

LISTED IN RT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: HOOK FAMILY LIMITED
PARTNERSHIP
HC 88 BOX 1095
MURPHY, ID 83650

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.10 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION: T01S R03W S10 SESESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 07-15	2.10 CFS

PLACE OF USE: Irrigation Within Owyhee County
T01N R03W S36 SWSW 35.0
35.0 Acres Total

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER
BASIN TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN
37 CFS, OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS
AT OR LESS THAN 57 CFS.

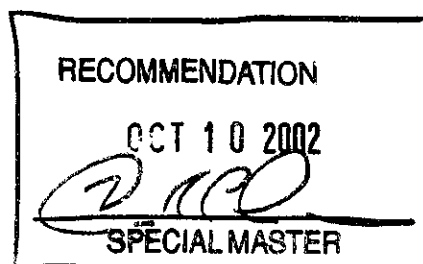
THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS
SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

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



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ASTORIA ST-SRBA
TWIN FALLS CO. IDAHO
FILED *RL*

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): 57-11572

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 October 10, 2002, with sufficient first-class postage prepaid to the following:

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

TOM HOOK
HC 88 BOX 1095
MURPHY, ID 83650
Phone: 208-495-2712

HOOK FAMILY LIMITED
PARTNERSHIP
HC 88 BOX 1095
MURPHY, ID 83650

Debbie Lash

DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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10/10/02

1-578A
CO., IDAHO



Water Right(s) : 57-11572