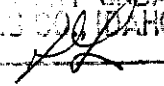


2002 OCT 25 AM 9:55

CLERK OF DISTRICT COURT - SRBA
TWIN FALLS COUNTY, 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	) Subcase 57-11571
	)
Case No. 39576	) SPECIAL MASTER'S REPORT AND
	) RECOMMENDATION
	)
	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW

I. FINDINGS OF FACT

A late notice of claim was filed for this water right pursuant to Idaho Code § 42-1409. The Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report for Late Claims* contained a recommendation that this water right claim be disallowed. On May 3, 2001, the claimants filed an *Objection* to subcase 57-11571, objecting to the water right not being recommended. On June 20, 2002, a *Standard Form 5/Stipulated Elements of a Water Right* with an attached *Amended Director's Report* recommending the water right was filed. Objections to the *Amended Director's Report* were due July 30, 2002. No objections were filed to the *Amended Director's Report* and the time for filing has expired.

II. CONCLUSIONS OF LAW AND RECOMMENDATION

Therefore, based on the file and record herein, IT IS RECOMMENDED that this 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) for Water Right 57-11571*.

Dated October 25, 2002.



THOMAS 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 57-11571

2002 OCT 25 AM 9:55

FILED
TWIN FALLS CO. IDAHO

NAME AND ADDRESS: J LAVAR YOUNG
JANET B YOUNG
M DEAN YOUNG
HC 79 BOX 58
MELBA, ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 4.50 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION: T01S R03W S02 SESWSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 07-15	4.50 CFS

PLACE OF USE: Irrigation Within Owyhee County
T01S R03W S01 LOT 3 (NENW)24.0 SWNW 12.0
SENW 39.0
75.0 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

2002 OCT 25 AM 9:55

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 57-11571

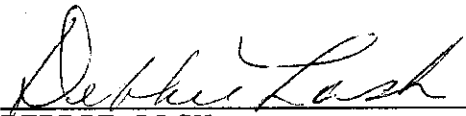
CERTIFICATE OF MAILING

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 25, 2002, with sufficient first-class postage prepaid to the following:

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

J LAVAR YOUNG
JANET B YOUNG
M DEAN YOUNG
HC 79 BOX 58
MELBA, ID 83641

THOMAS AND JACKIE BENSON
HC 79 BOX 94
MELBA, ID 83641
Phone: 208-250-2988


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/25/02

100-468797-ET-SRBA
TWIN FALLS CO., IDAHO

[Signature]

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

Water Right(s) : 57-11571

Debbie Lash
DEBBIE LASH
Deputy Clerk