

2002 OCT 29 PM 1:27

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 REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 57-11560

I. FINDINGS OF FACT

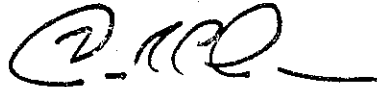
A *Partial Decree* was entered for this water right on March 12, 2002. On March 13, 2002, the claimant, by and through its attorney, filed a *Motion to File a Late Objection*. The matter was referred to this Special Master on March 20, 2002, and a hearing was held on May 1, 2002.

On July 31, 2002, a *Standard Form 5/Stipulated Elements of a Water Right (SF-5)* with an attached *Amended Director's Report* recommending the water right was filed. The *SF-5* added an additional five acres to the irrigated place of use. No objections were filed to the *Amended Director's Report* and the time for filing has expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, and the comments made by counsel and IDWR at the hearing on the matter, IT IS RECOMMENDED that an amended partial decree be issued for this water right with the elements as set forth in the attached *Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-11560*.

DATED October 29, 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

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

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-11560

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TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT

NAME AND ADDRESS: SEVEN HIGH RANCH, INC.
HC 79 BOX 44
MELBA, ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 10.66 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION: T03S R04W S12 NESE Within Owyhee County
S24 SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 07-15	10.66 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T02S R04W S25	SESW 8.0 SWSE 30.0
	S35	SESW 13.0 NESE 17.0
		SWSE 17.0 SESE 28.0
	S36	NENW 12.0 NWNW 6.0
		SNNW 11.0
	T03S R04W S02 LOT 1	(NENE)13.0 LOT 2 (NWNE)26.0
	181.0 Acres Total	

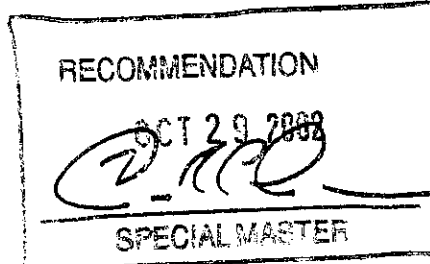
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS
SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.
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.
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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FILED
TWIN FALLS CO. IDAHO
10/29/02

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): 57-11560

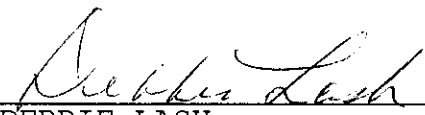
CERTIFICATE OF MAILING

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 29, 2002, with sufficient first-class postage prepaid to the following:

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

SEVEN HIGH RANCH, INC.

Represented by:
JOHN T. SCHROEDER
PO BOX 267
BOISE, ID 83701-0267
Phone: 208-384-1627


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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10/29/02

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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

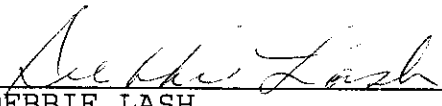
Water Right(s): 57-11560

On October 29, 2002, Special Master THOMAS R CUSHMAN 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 October 29, 2002.


DEBBIE LASH
Deputy Clerk