

2003 JAN 27 AM 11:46

FILED
TWIN FALLS, 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	)	AMENDED SPECIAL
	)	MASTER'S REPORT
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 36-00003B,
	)	36-00005B and 36-00019B

I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued in subcases 36-00003B, 36-00005B and 36-00019B on December 18, 2002. The SRBA District Court received correspondence from Josphine Beeman on January 24, 2003, stating that a few clerical errors had been made to the recommendations in the above listed subcases. Those mistakes being the language in the other provisions necessary in 36-00019B the word "required" should be replaced with "require," in 36-00005B the language in purpose of use the word "date" should be replaced with "dates" and in 36-00003B the place of use for Irrigation in T07S R 13E S27 SWNW read 23 acres and should have read 24 acres and T07S R13E S28 Lot 5 NWSE read 23 acres and should read 22 acres, and the T07S R13E S28 NESE section in Fish Propagation should have been eliminated.

After review of the files this Special Master finds that the clerical errors were made by the SRBA District Court. However, the errors are minor changes and do not require additional time to file motions to alter or amend.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right claims 36-00003B, 36-00005B and 36-00019B be decreed with the elements as set forth in the attached *Amended Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: January 27, 2003.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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Department of Water Resources

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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	)	SUBCASES: 36-00003B, 36-00005B
	)	and 36-00019B
Case No. 39576	)	
_____	)	CERTIFICATE OF MAILING

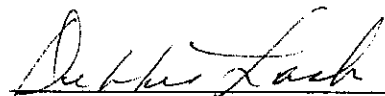
I certify that a true and correct copy of the AMENDED SPECIAL MASTER'S REPORT AND AMENDED RECOMMENDATIONS FOR AMENDED PARTIAL DECREES and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND AMENDED RECOMMENDATIONS were mailed with sufficient first-class postage to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

Josephine P Beeman
409 West Jefferson Street
Boise, Idaho 83702

Patrick D Brown
P O Box 207
Twin Falls, Idaho 83303-0207

Maria Y Anderson
1945 S Weimaraner Wy
Meridian, Idaho 83642


Deputy 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00003B

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FILED
JAN 29 2003
DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS: KINGSTON PROPERTIES LP
477 SHOUP AVE, STE 207
IDAHO FALLS, ID 83402

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.84 CFS

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Department of Water Resources

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER
PURPOSES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	3.84 CFS
	Stockwater	01-01 TO 12-31	0.05 CFS
	Fish Propagation	01-01 TO 12-31	3.84 CFS

THE PORTION OF THIS RIGHT FOR FISH PROPAGATION PURPOSES IS
SUBORDINATED TO ALL GROUND AND SURFACE WATER RIGHTS WITH
PRIORITY DATES OF AUGUST 15, 2002, OR EARLIER

PLACE OF USE:

Irrigation	Within Gooding County
T07S R13E S27	SWNW 24.0 NWSW 9.0
S28 LOT 4	(SWNE) 9.0 SENE 25.0
	NESE 40.0 LOT 5 (NWSE) 22.0
129.0 Acres Total	
Stockwater	Within Gooding County
T07S R13E S27	SWNW NWSW
S28 LOT 4	(SWNE) SENE
	NESE LOT 5 (NWSE)
Fish Propagation	Within Gooding County
T07S R13E S27	SWNW
S28	SWNE SENE

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 36-00003B, 36-00005B &
36-00019B.

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

THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE PORTION OF THIS WATER RIGHT FOR FISH PROPAGATION PURPOSES
SHALL NOT BE ASSERTED, DELIVERED, USED, ENFORCED, EFFECTIVE, OR
OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE IN ANY WAY
OR OTHERWISE RESULT IN, EITHER DIRECTLY OR INDIRECTLY,
CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE AND
GROUND WATER RIGHTS EXISTING AS OF AUGUST 15, 2002.

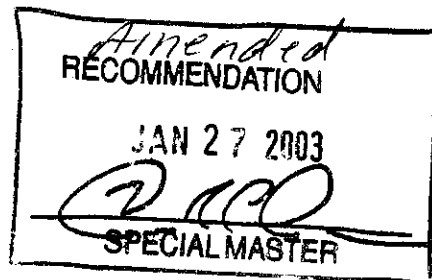
OTHER PROVISIONS (continued)

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



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 36-00005B

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FILED
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TWIN FALLS, IDAHO
pk

NAME AND ADDRESS: KINGSTON PROPERTIES LP
477 SHOUP AVENUE SUITE 207
IDAHO FALLS, ID 83402

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.40 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER
PURPOSES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

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JAN 29 2003

Department of Water Resources

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	02-15 TO 11-30	1.40 CFS
Stockwater	01-01 TO 12-31	0.05 CFS
Fish Propagation	01-01 TO 12-31	1.40 CFS

THE PORTION OF THIS RIGHT FOR FISH PROPAGATION PURPOSES IS
SUBORDINATED TO ALL GROUND AND SURFACE WATER RIGHTS WITH PRIORITY
DATES OF AUGUST 15, 2002, OR EARLIER.

PLACE OF USE:

Irrigation		Within Gooding County
T07S R13E S27	SNNW 24.0	NWSW 9.0
S28 LOT 4	(SWNE) 9.0	SENE 25.0
	NESE 40.0	LOT 5 (NWSE) 22.0
129.0 Acres Total		

Stockwater		Within Gooding County
T07S R13E S27	SNNW	NWSW
S28 LOT 4	(SWNE)	SENE
	NESE	LOT 5 (NWSE)

Fish Propagation		Within Gooding County
T07S R13E S27	SNNW	
S28 LOT 4	(SWNE)	SENE

USE OF THIS RIGHT WITH RIGHTS 36-00003B AND 36-00019B IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A
SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE PORTION OF THIS WATER RIGHT FOR FISH PROPAGATION PURPOSES
SHALL NOT BE ASSERTED, DELIVERED, USED, ENFORCED, EFFECTIVE, OR
OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE IN ANY WAY
OR OTHERWISE RESULT IN, EITHER DIRECTLY OR INDIRECTLY,
CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE AND
GROUND WATER RIGHTS EXISTING AS OF AUGUST 15, 2002.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

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

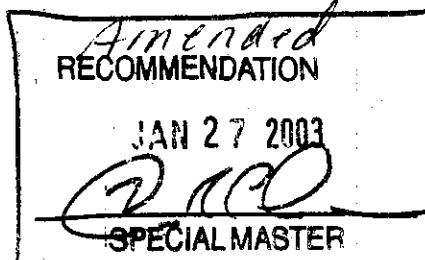
OTHER PROVISIONS (continued)

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00019B

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JL

NAME AND ADDRESS: KINGSTON PROPERTIES LP
477 SHOUP AVENUE SUITE 207
IDAHO FALLS, ID 83402

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.92 CFS

RECEIVED

JAN 29 2003

Department of Water Resources

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PURPOSES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
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WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	02-15 TO 11-30	1.92 CFS
Stockwater	01-01 TO 12-31	0.05 CFS
Fish Propagation	01-01 TO 12-31	1.92 CFS

THE PORTION OF THIS RIGHT FOR FISH PROPAGATION PURPOSES IS
SUBORDINATED TO ALL GROUND AND SURFACE WATER RIGHTS WITH
PRIORITY DATES OF AUGUST 15, 2002, OR EARLIER.

PLACE OF USE:

Irrigation	Within Gooding County
T07S R13E S27	SNNW 24.0 NWSW 9.0
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129.0 Acres Total	

Stockwater	Within Gooding County
T07S R13E S27	SNNW NWSW
S28 LOT 4	(SWNE) SENE
	NESE LOT 5 (NWSE)

Fish Propagation	Within Gooding County
T07S R13E S27	SNNW
S28 LOT 4	(SWNE) SENE

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00003B, 36-00005B &
36-00019B.

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OR OTHERWISE RESULT IN, EITHER DIRECTLY OR INDIRECTLY,
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GROUND WATER RIGHTS EXISTING AS OF AUGUST 15, 2002.

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

OTHER PROVISIONS (continued)

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