

2003 JAN 27 AM 11:46

FILED  
TWIN FALLS, IDAHO  
FILED *PL*

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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JAN 29 2003

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         |

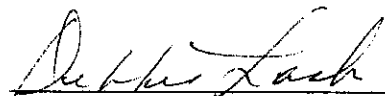
I certify that a true and correct copy of the AMENDED SPECIAL MASTER'S REPORT AND AMENDED RECOMMENDATIONS FOR AMENDED PARTIAL DECREES and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND AMENDED RECOMMENDATIONS were mailed with sufficient first-class postage to the following:

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

2003 JUN 27 AM 11:46

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<br>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.

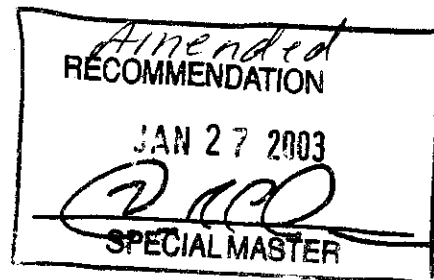
OTHER PROVISIONS (continued)

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

2003 JUN 27 AM 11:46

FILED  
JUN 27 2003  
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)

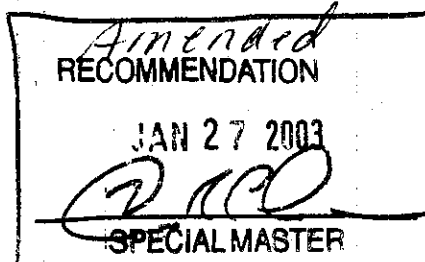
OTHER PROVISIONS (continued)

NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
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RULE 54(b) CERTIFICATE

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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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In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 36-00019B

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FILED  
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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

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Department of Water Resources

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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 |

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PLACE OF USE:

| Irrigation        | Within Gooding County       |
|-------------------|-----------------------------|
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| 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 LISTED BELOW IS LIMITED TO THE  
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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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