

2004 DEC 13 PM 12 23

**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

SPECIAL MASTER'S RECOMMENDATION

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ORDER VACATING STATUS CONFERENCE

FOR WATER RIGHT 63-18069

I. FINDINGS OF FACT

A ***Partial Decree*** was issued for the above-captioned water right on January 19, 2000. Thereafter, on September 13, 2004, the SRBA District Court received correspondence from Michael and Linda Austin, claiming that they were the owners of this water right and the real property to which it is appurtenant, and also claiming that due to an apparent clerical error, the point of diversion and place of use elements had been decreed in error. A hearing on the matter was held on November 9, 2004. On December 8, 2004, a *Standard Form 5* was filed. Michael and Linda Austin and IDWR signed the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant Rule 60(a), Idaho Rules of Civil Procedure, and pursuant to the *Standard Form 5*, it is RECOMMENDED that the partial decree for water right 63-18069 be amended to reflect the change in the elements as set forth in the attached ***Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*** The status conference set for January 4, 2005 is **vacated.**

DATE December 13, 2004.

L. R. Booth

THEODORE R BOOTH
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

RECOMMENDATION FOR AMENDED

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

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

Water Right 63-18069

NAME AND ADDRESS: LINDA AUSTIN
MICHAEL AUSTIN
3425 S BEVERLY ST
BOISE, ID 83709

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1978

POINT OF DIVERSION: T03N R02E S30 SWNW Within Ada County
SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Domestic	Within Ada County
	T03N R02E S30	SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

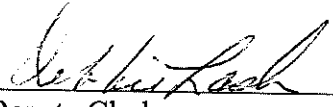
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S
RECOMMENDATION was mailed with sufficient first-class postage to the following:

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

Michael and Linda Austin
3425 S Beverly St
Boise, Idaho 83709



Deputy Clerk