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MAR 10 2005

DEPARTMENT OF SRBA
WATER RESOURCES
TWIN FALLS CO., IDAHO
FILED

2005 MAR 9 AM 11 04

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
	)	
	)	FINDINGS OF FACT AND
Case No. 39576	)	CONCLUSIONS OF LAW;
	)	REGARDING MOTION TO SET ASIDE
	)	PARTIAL DECREE
	)	
_____	)	FOR WATER RIGHT 63-15783

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right. A *Partial Decree* was issued for this water right on December 30, 1999.

On January 19, 2005, the SRBA District Court received correspondence from the claimant, William M. Flack, regarding an incorrect legal description in the *Partial Decree*. A telephonic hearing was held on March 8, 2005. William Flack appeared *pro se* and Nick Spencer participated on behalf of the Idaho Department of Water Resources. Mr. Spencer stated that the claimant had apparently made a clerical error in his claim regarding the quarter quarter for the place of use and point of diversion elements of the water right, that the contractor that processed the domestic and stockwater claims did not catch the error, that the error came to the attention of the Department during preparation of the director's report for the irrigation and other rights, and the point of diversion and place of use are actually located in T05N, R01W, S 34, SWNE. Mr. Flack concurred with these statements.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, and pursuant to Idaho Rule of Civil Procedure

60(a), IT IS RECOMMENDED that the partial decree for water right 63-15783 be amended to correct the legal description per the attached *Amended Partial Decree*.

DATED: March 9, 2005.

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

THEODORE R. BOOTH

Special Master

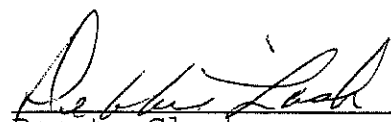
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING MOTION TO SET ASIDE PARTIAL was mailed on February 25, 2005, with sufficient first-class postage to the following:

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

JUNE C FLACK
WILLIAM M FLACK
4035 HARTLEY RD
EAGLE, ID 83616
Phone: 208-286-7392


Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED *OK*

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-15783

2005 MAR 9 AM 11 04

NAME AND ADDRESS: JUNE C FLACK
WILLIAM M FLACK
4035 HARTLEY RD
EAGLE, ID 83616

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

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

PRIORITY DATE: 05/20/1940

POINT OF DIVERSION: T05N R01W S34 SWNE Within Ada County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.05 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Stockwater	Within Ada County
	T05N R01W S34	SWNE
	Domestic	Within Ada County
	T05N R01W S34	SWNE

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

