

Claim for water right 65-4214. On March 14, 2005, a telephonic hearing was held on the stipulation to resolve objections reached by the parties, and the *Amended Notice of Claim*. The following persons participated in the hearing: Brian McMahon, attorney for Faustino Ramos, Verla Witt, *pro se*, Marchelle Hart, *pro se*, and David Barber, representing the State of Idaho. Also participating were Chris Bromley and David Tuthill from IDWR. At the hearing, the parties stated the terms of their agreement on the record. The essential terms of that agreement are that water right 65-4214 would be claimed jointly in the names of Verla Witt, Daryl Hart, Marchelle Hart, and Faustino Ramos. The *Amended Notice of Claim* filed by the parties reflects this agreement. No objections to this settlement have been filed, and the time for so doing has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the agreement of the parties hereto, IT IS RECOMMENDED that water right 65-4214 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated May 24, 2005.



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-04214

DISTRICT COURT-S
TWIN FALLS CO., ID
FILED *SK*
2005 MAY 25 AM 10

NAME AND ADDRESS: DARYL HART
P O BOX 1311
MC CALL, ID 83638

MARCHELLE HART
PO BOX 1311
MC CALL, ID 83638

FAUSTINO RAMOS
MAURENE RAMOS
PO BOX 1543
MC CALL, ID 83638

VERLA WITT
13968 TURNER LN
MC CALL, ID 83638

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK

QUANTITY: 0.38 CFS

PRIORITY DATE: 04/15/1928

POINT OF DIVERSION: T18N R03E S34 SWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	04-15 TO 10-15	0.38 CFS

PLACE OF USE: Wildlife Within Valley County
T18N R03E S34 SESW 11.0
11.0 Acres Total

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

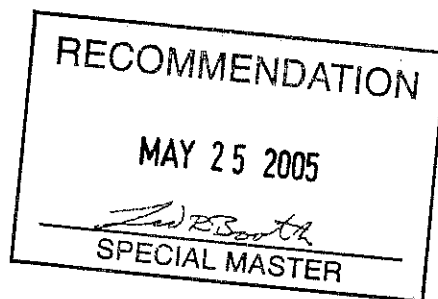
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN
THE EVENT OF INJURY.

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



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2005 MAY 25 AM 10 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)

)

CERTIFICATE OF MAILING

Water Right(s): 65-04214

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 May 25, 2005, with sufficient first-class postage prepaid to
the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

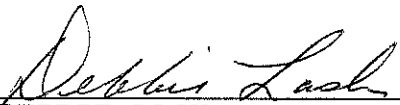
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P O BOX 1311
MC CALL, ID 83638

MARCHELLE HART
PO BOX 1311
MC CALL, ID 83638

FAUSTINO RAMOS
MAURENE RAMOS
PO BOX 1543
MC CALL, ID 83638
Phone: 208-634-3237

VERLA WITT
13968 TURNER LN
MC CALL, ID 83638


DEBBIE LASH
Deputy Clerk

2005 MAY 25 AM 10 23

In Re SRBA)
)
Case No. 39576)
)
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Water Right(s): 65-04214

Debbie Lash
DEBBIE LASH
Deputy Clerk