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JUL 15 2005  
DEPARTMENT OF  
WATER RESOURCES

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2005 JUL 14 PM 3 15

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	)	Subcase 45-10248
	)	(Austin)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

**Findings of Fact**

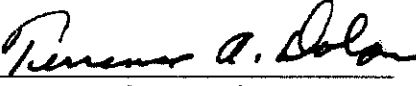
Barbara and Carl Austin, P.O. Box 93, Oakley, Idaho, 83346, filed a *Notice of Claim to a Water Right* on March 14, 1989, claiming 1.78 cfs from groundwater for year-'round stock and domestic uses and to irrigate 215 acres in Cassia County from March 15 to November 15 with a priority date of March 15, 1920, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the claim as filed except for irrigation from April 1 to October 31.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 7, 2005 objecting to place of use. However, on July 1, 2005, the Austins and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to an additional remark under place of use.

**Conclusions of Law**

Barbara and Carl Austin are entitled to a partial decree adjudicating a water right under claim 45-10248 as described in the *SF 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-10248*.

DATED July 14, 2005

  
 \_\_\_\_\_  
 TERRENCE A. DOLAN  
 Special Master  
 Snake River Basin Adjudication



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

PLACE OF USE (continued)

PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

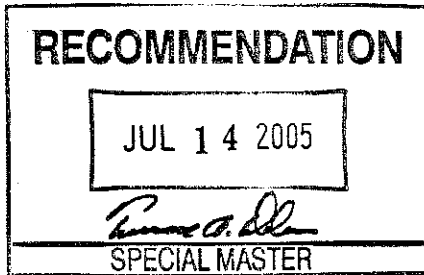
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and stockwater use 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

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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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 45-10248

CERTIFICATE OF MAILING

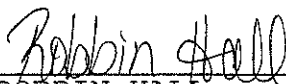
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 14, 2005, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

BARBARA V AUSTIN  
CARL F AUSTIN  
PO BOX 93  
OAKLEY, ID 83346  
Phone: 208-436-1562

CERTIFICATE OF MAILING

  
ROBBIN HALL  
Deputy Clerk

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07/14/05

