

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

2005 JUL 15 PM 12 40

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 45-7360       |
|                | ) | (Foss)                |
| Case No. 39576 | ) |                       |
| _____          | ) | SPECIAL MASTER REPORT |

**Findings of Fact**

Nolan Victor filed a *Notice of Claim to a Water Right* on April 17, 1991, claiming 10.4 cfs from Trapper Creek for year-'round fish propagation in Cassia County with a priority date of September 9, 1979, based on a license. 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.

The Victor Family Living Trust conveyed the real property, "together with all water rights," to Edward L. Nolan and R.A. Foss on August 26, 2004. R.A. Foss filed an *Objection* on November 3, 2004, objecting to name and address, purpose of use and period of year. Edward L. Nolan and R.A. Foss quitclaimed the real property, "together with their appurtenances," to R.A. and Barbara Foss, 1157 E., 4400 North, Buhl, Idaho, 83316, on May 10, 2005. On July 13, 2005, the Fosses and IDWR filed a *Standard Form 5*.

**Conclusions of Law**

R.A. and Barbara Foss are entitled to a partial decree adjudicating a water right under claim 45-7360 as described in the *SF 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-7360*.

DATED July 15, 2005



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

CERTIFICATE OF MAILING

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

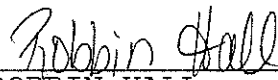
Water Right(s): 45-07360

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 15, 2005, with sufficient first-class postage prepaid to the following:

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

BARBARA FOSS  
R A FOSS  
1157 E 4400 N  
BUHL, ID 83316  
Phone: 208-543-6932

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

CERTIFICATE OF MAILING

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TWIN FALLS CO., IDAHO  
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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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

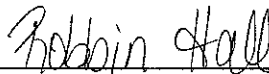
Water Right(s): 45-07360

On July 15, 2005, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 15, 2005.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk