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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2005 ~~Aug 22~~ Sept 7 AM 10 28

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 65-7461
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above listed 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 or abstract for the elements of this water right.

On January 18, 2002, the claimants of the water right, Cheryl and George Colwell, through their counsel of record Dana Hofstetter, filed an objection to the *Director's Report*. On May 2, 2005, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding*, together with an *Amended Director's Report*, which resolved the claimants' objection. No objections have been filed to the *Amended Director's Report*, and the time for filing objections has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 65-7461 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated August 31, 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *PK*

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-07461

NAME AND ADDRESS: GEORGE E COLWELL
3990 HWY 52
PAYETTE, ID 83661

CHERYL F COLWELL
3990 HWY 52
PAYETTE, ID 83661-0251

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.90 CFS
2330.00 AFY

PRIORITY DATE: 04/08/1975

POINT OF DIVERSION: T08N R04W S21 LOT 4 (NWNW) (Rediversion) Within Payette County
S22 LOT 6 (SWSW) (Injection)
S35 SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	5.90 CFS 2330.00 AFY

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S17	LOT 1 (SWSE) 6.0
	S19 LOT 1 (NENE) 3.0	
	S20 LOT 7 (NENE) 8.0	LOT 7 (NWNW) 3.0
	LOT 1 (SENE) 2.0	NENW 4.0
	LOT 6 (NWNW) 36.0	LOT 6 (SWNW) 14.0
	SENW 7.0	
	S21 LOT 2 (SWNE) 1.0	LOT 4 (NWNW) 6.0
	LOT 5 (SENE) 12.0	LOT 1 (NESE) 1.0
	SWSE 17.0	LOT 8 (SESE) 17.0
	S27 NENW 1.0	SENW 13.0
	156.0 Acres Total	

Rights 65-11211, 65-11261, and 65-07461 when combined shall not
exceed the irrigation of 152 acres.

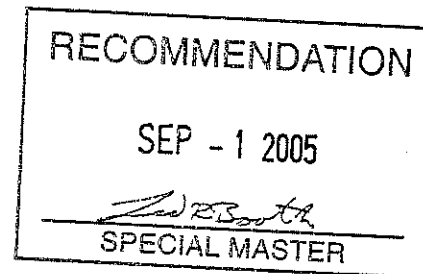
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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Water Right(s) : 65-07461

DEBBIE LASH
Deputy Clerk