

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

2005 OCT 26 AM 11 34

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 63-18216
	)	

I. FINDINGS OF FACT

On January 19, 2000, a *Partial Decree* was issued for the above-captioned water right, naming Maggie and Warren Sohrakoff as owners of the right. On May 9, 2005, the City of Boise, successor-in-interest to Maggie and Warren Sohrakoff, by and through its attorney of record Matthew Wilde, file a *Motion to Set Aside Partial Decree; IRCP 60(b), Motion to Correct Clerical Error; IRCP 60(a)*, together with an *Affidavit In Support of Correcting the Legal Description of Decreed Claim, Water Right 63-18216*. A hearing was held on the motion on October 19, 2005 at the Idaho Water Center in Boise, Idaho. Present at the hearing was Nick Spencer, Deputy Attorney General for the Idaho Department of Water Resources.

At the hearing, Mr. Spencer stated that the legal description for the place of use and point of diversion had been decreed in error, that this error had been discovered in connection with a change of ownership filed with IDWR by the City of Boise, and that the error appeared to be clerical in nature.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, including the aforementioned *Affidavit*, and based upon the comments of Mr. Spencer at the hearing, and pursuant to I.R.C.P. 60(a), IT IS RECOMMENDED that the *Partial Decree* for water right 63-18216 be **amended** with the

elements as set forth in the attached *Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated October 21, 2005.

A handwritten signature in black ink, appearing to read 'T.R. Booth', written over a horizontal line.

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

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-18216

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In Re SRBA)
Case No. 39576)
_____)

NAME AND ADDRESS: BOISE CITY/BOISE AIR TERMINAL
3201 AIRPORT WAY
BOISE, ID 83705

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1945

POINT OF DIVERSION: T03N R02E S30 NWNE Within Ada County

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

PLACE OF USE: Domestic Within Ada County
T03N R02E S30 NWNE

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

RECOMMENDATION

OCT 26 2005

David B. Smith
SPECIAL MASTER

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CERTIFICATE OF MAILING

Water Right(s): 63-18216

CERTIFICATE OF MAILING

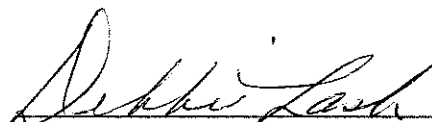
I certify that a true and correct copy of the SPECIAL MASTER'S
REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE
OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed
on October 26, 2005, with sufficient first-class postage prepaid to
the following:

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

BOISE CITY/BOISE AIR TERMINAL

Represented by:
MATTHEW K. WILDE
PO BOX 500
BOISE, ID 83701-0500
Phone: 208-384-3870

BOISE CITY ATTORNEY'S OFFICE
ATTN MATTHEW K WILDE
P O BOX 500
BOISE, ID 83701-0500



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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