

2005 OCT 27 PM 2 31

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 82-00002
	)	

I. FINDINGS OF FACT

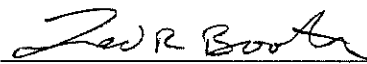
A notice of claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On March 18, 2005, the United States of America, Department of Agriculture, Forest Service, filed an objection to the *Director's Report*, asserting that the place of use should not include National Forest System land. On October 5, 2005, the parties to the subcase filed a *Standard Form 5 -- Stipulated Elements of a Water Right*, which resolved the United States' objection. The Idaho Department of Water Resources concurred in the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 82-00002 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated October 27, 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-SRI
TWIN FALLS CO, IDAHO
FILED
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In Re SRBA)
)
Case No. 39576)
_____) PARTIAL DECREE PURSUANT TO
 I.R.C.P. 54(b) FOR
 Water Right 82-00002

NAME AND ADDRESS: CHARLES B HOPKINS JR
 DOROTHY L HOPKINS
 EDITH L BARTLETT
 FRANK E BARTLETT
 10404 FOOTHILL BLVD
 LAKE VIEW TERRAC, CA 91342

SOURCE: SCHWARTZ CREEK TRIBUTARY: SOUTH FORK CLEARWATER RIVER

QUANTITY: 0.18 CFS

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 0.98 CFS.
COMBINED RIGHT NOS.: 82-1, 82-2 AND 82-2072

PRIORITY DATE: 06/01/1925

POINT OF DIVERSION: T30N R04E S29 NWNW Within Idaho County
 S30 NENE
 LOT 6 (NWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.18 CFS

PLACE OF USE: Irrigation Within Idaho County
 T30N R04E S19 LOT 5 {SESW} 2.0 LOT 6 {SWSE} 14.0
 S30 LOT 6 {NWNE} 18.0 LOT 5 {NENW} 6.0
 40.0 Acres Total

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 82-1, 82-2 AND 82-2072

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

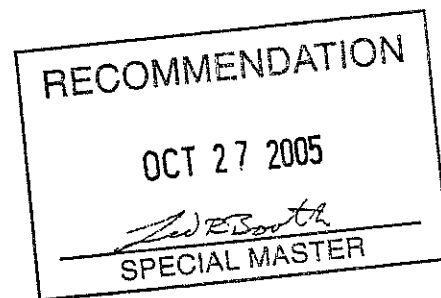
The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

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 Re SRBA)
)
Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 82-00002

CERTIFICATE OF MAILING

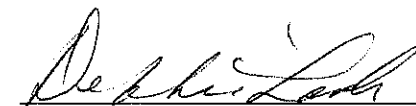
I certify that a true and correct copy of the SPECIAL MASTER'S
REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE
OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed
on October 27, 2005, with sufficient first-class postage prepaid to
the following:

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

CHARLES B HOPKINS JR
DOROTHY L HOPKINS
EDITH L BARTLETT
FRANK E BARTLETT
10404 FOOTHILL BLVD
LAKE VIEW TERRAC, CA 91342
Phone: 818-768-0442

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

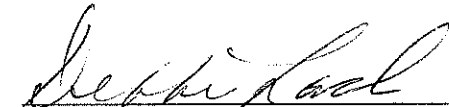
Water Right(s): 82-00002

On October 27, 2005, Special Master THEODORE R. BOOTH
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 October 27, 2005.



DEBBIE LASH
Deputy Clerk