

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 82-02072 |
|                | ) |                          |

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**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 82-02072 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

DISTRICT COURT - SRBA  
THE  
TWIN FALLS CO., IDAHO  
FILED

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In Re SRBA )  
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Water Right(s) : 82-02072

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DEBBIE LASH  
Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
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In Re SRBA                                 )  
                                                      )  
Case No. 39576                            )  
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NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

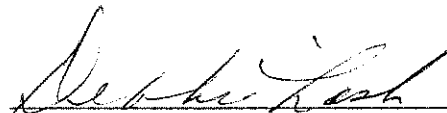
Water Right(s): 82-02072

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