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Department of Water Resources

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED         
2005 NOV 7 PM 2 51

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 81-07116 |
|                | ) |                          |

I. FINDINGS OF FACT

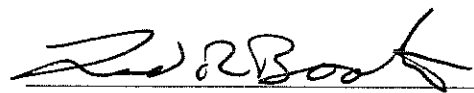
A notice of claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On February 7, 2005, the claimant of the water right, the City of Kooskia filed an objection to the *Director's Report*, objecting to the priority date. On October 12, 2005, the parties to the subcase filed a *Standard Form 5*, agreeing that there would be not changes to the *Director Report*. Idaho Department of Water Resources concurred with 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 81-07116 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated November 3, 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  
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In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 81-07116

NAME AND ADDRESS: CITY OF KOOSKIA  
PO BOX 126  
KOOSKIA, ID 83539-0126

SOURCE: GROUND WATER

QUANTITY: 0.67 CFS

PRIORITY DATE: 02/13/1978

POINT OF DIVERSION: T32N R04E S05 LOT 8 (SENE ) Within Idaho County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Municipal      | 01-01 TO 12-31 | 0.67 CFS |

PLACE OF USE:

Place of use is within the service area of the City of Kooskia  
municipal water supply system as provided for under Idaho Law.

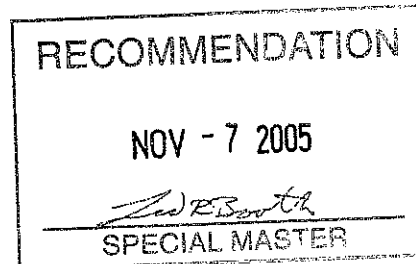
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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In Re SRBA                                 )  
                                                      )  
Case No. 39576                            )  
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                                                      )

CERTIFICATE OF MAILING

Water Right(s): 81-07116

CERTIFICATE OF MAILING

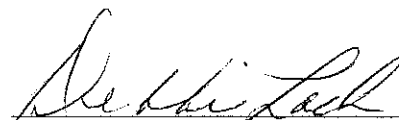
I certify that a true and correct copy of the SPECIAL MASTER'S  
REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE  
OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed  
on November 07, 2005, with sufficient first-class postage prepaid to  
the following:

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

JOHN SCHURBON  
Represented by:  
KIRK A. MAC GREGOR  
PO BOX 463  
416 W MAIN ST  
GRANGEVILLE, ID 83530  
Phone: 208-983-0250

CITY OF KOOSKIA  
PO BOX 126  
KOOSKIA, ID 83539-0126  
Phone: 208-926-4684

CERTIFICATE OF MAILING

  
DEBBIE LASH  
Deputy Clerk

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11/07/05

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

In Re SRBA                                 )  
                                                      )  
Case No. 39576                            )  
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                                                      )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

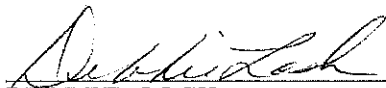
Water Right(s): 81-07116

On November 07, 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 November 07, 2005.

  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk