

RECEIVED

DEC 12 2005

DISTRICT COURT - SRBA
DEPARTMENT OF
WATER RESOURCES
TWIN FALLS CO. IDAHO
FILED

2005 DEC 9 AM 9 02

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 CLAIM 82-04150
	)	

I. FINDINGS OF FACT

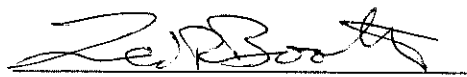
A notice of claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On March 24, 2005, The United States of America, Department of Agriculture, Forest Service, filed an objection to the *Director's Report*, asserting, among other things, that the water right should not exist. An initial hearing was held on October 12, 2005, at which the claimant failed to appear. On October 25, 2005, this Special Master issued an *Order to Show Cause*, directing the claimant to appear at a show cause hearing on December 6, 2005, and informing the claimant that failure to appear would result in the claimant being deemed to have consented to disallowance of the water right claim. Again, the claimant failed to appear.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Order to Show Cause*, it is RECOMMENDED that a final order be entered **disallowing** water right claim 82-04150.

Dated December 7, 2005.


THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

2005 DEC 9 AM 9 02

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

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 82-04150

CERTIFICATE OF MAILING

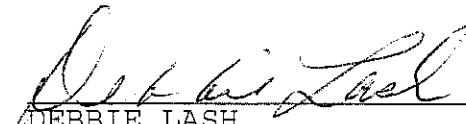
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 09, 2005, with sufficient first-class postage prepaid to the following:

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

CHESTER B HILDRETH
1910 POWERS DR
LEWISTON, ID 83501



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/09/05

2005 DEC 9 AM 9 02

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s) : 82-04150

Debbie Lash
DEBBIE LASH
Deputy Clerk