

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2005 DEC 20 PM 1 45

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 85-02013
	)	

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.

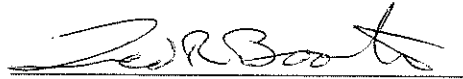
On May 27, 2005, the United States of America, Department of Interior, Bureau of Reclamation, filed an objection to the *Director's Report*, asserting that period of use should be March 15 to November 15 (3-15 to 11-15). An initial hearing was held on the objection on October 13, 2005, at which the claimant of the water right, Hilda L. Williams (hereinafter "Claimant") failed to appear.

On October 24, 2005, this Special Master issued an *Order to Show Cause*, the purpose of which was to provide the Claimant with a final opportunity to oppose the objection despite having failed to appear at the initial hearing. The *Order to Show Cause* was mailed to the claimant at his/her last known mailing address. The *Order to Show Cause* stated that failure to appear at the scheduled hearing would result in the Claimant being deemed to have consented to the 3-15 to 11-15 period of use. A hearing on the *Order to Show Cause* was held on December 13, 2005, at which the Claimant failed to appear, either in person or through counsel.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Order to Show Cause*, IT IS RECOMMENDED that water right 85-02013 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated December 19, 2005.

A handwritten signature in cursive script, appearing to read 'T.R. Booth', is written over a horizontal line.

THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

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Water Right(s): 85-02013

Debbie Lash PAGE 1
12/20/05
DEBBIE LASH
Deputy Clerk

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In Re SRBA)
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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 85-02013

On December 20, 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 December 20, 2005.



DEBBIE LASH
Deputy Clerk