

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

**SPECIAL MASTER'S REPORT**  
  
**FINDINGS OF FACT AND**  
**CONCLUSIONS OF LAW**  
  
**FOR WATER RIGHT 85-02090**

## 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 85-02090 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.



---

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  
FILED *[Signature]*

2005 DEC 20 PM 1 46

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 85-02090

NAME AND ADDRESS: ELLIOTT BROTHERS  
1427 POWERS  
LEWISTON, ID 83501

SOURCE: LINDSAY CREEK TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.25 CFS

PRIORITY DATE: 06/14/1950

POINT OF DIVERSION: T35N R04W S17 NWSESW Within Nez Perce County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 0.25 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

| PLACE OF USE: | Irrigation    |          | Within Nez Perce County |
|---------------|---------------|----------|-------------------------|
|               | T35N R04W S17 | NESW 7.1 | NWSW 8.4                |
|               |               | SESW 3.7 | NWSE 0.4                |
|               |               | SWSE 0.4 |                         |

20.0 Acres Total

|                    |                         |
|--------------------|-------------------------|
| Stockwater         | Within Nez Perce County |
| Same as Irrigation |                         |

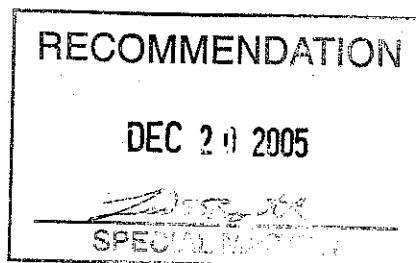
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



2005 DEC 20 PM 1 46

In Re SRBA )  
 )  
Case No. 39576 )  
 )

Water Right(s): 85-02090


 PAGE 1  
 12/20/05  
 DEBBIE LASH  
 Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED           

2005 DEC 20 PM 1 46

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                            )  
                                              )  
\_\_\_\_\_  
                                              )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

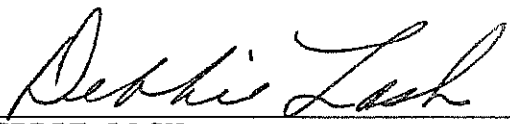
Water Right(s): 85-02090

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