

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2006 FEB 1 AM 11 21

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 85-11543
	)	

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, an objection was filed by the United States of America, Department of Interior, Bureau of Reclamation, asserting that the irrigation period of use should be March 15 through November 15 (3-15 through 11-15). An initial hearing was held on the objection on October 13, 2005, in Lewiston, Idaho, and a continued initial hearing was held on December 6, 2005, in Twin Falls, Idaho. The claimant of the water right failed to appear at either hearing. On December 9, 2005, this Special Master issued an *Order to Show Cause*, ordering the claimant to appear and show cause why the objection filed by the United States should not be granted. The *Order to Show Cause* stated that attendance at the hearing was not mandatory, but that failure to appear would result in the claimant being deemed to have consented to the period of use sought by the United States. A hearing was held on the *Order to Show Cause* on January 31, 2006, at which the claimant failed to appear. Accordingly, the objection filed by the United States, seeking a 3-15 through 11-15 irrigation period of use, is **granted**.

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 85-11543 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated February 1, 2006.

A handwritten signature in black ink, appearing to read "Theodore R Booth", written over a horizontal line.

THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

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CERTIFICATE OF MAILING

Water Right(s): 85-11543

CERTIFICATE OF MAILING

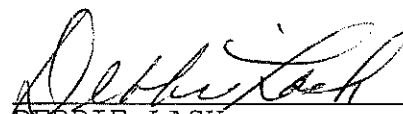
I certify that a true and correct copy of the SPECIAL MASTER'S
REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE
OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed
on February 01, 2006, with sufficient first-class postage prepaid to
the following:

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

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ARLENE BALL
GARY BALL
22499 WEBB RD
LAPWAI, ID 83540

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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Case No. 39576)
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)

Water Right(s) : 85-11543

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.


DEBBIE LASH
Deputy Clerk