

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
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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 RIGHTS: List Attached
	)	

I. FINDINGS OF FACT

Partial Decrees were issued for the above-captioned water rights on July 9, 1999. Thereafter, it came to the attention of the SRBA Court that each of these *Partial Decrees* contained a clerical error regarding the basis of the claim. Accordingly, the SRBA District Court entered an order setting aside the *Partial Decrees* and referring the matter to this Special Master for further proceedings.

On February 7, 2006, a hearing was held pursuant to Idaho Code § 42-1411A(12) regarding the federal reserve basis of the water rights. In connection therewith, the United States filed the *Affidavit of Fredric W. Price*. Based upon the contents of that *Affidavit*, and based upon the comments of counsel at the hearing, this Special Master finds that the above-captioned water right claims meet the elements of valid federal reserve water rights pursuant to Public Water Reserve 107.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that amended partial decrees be issued for the above-captioned water rights with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated February 9, 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

EXHIBIT A

Subcase Nos:

47-16040
47-16050
47-16060
47-16066
47-16072
47-16076
47-16090
47-16102
47-16110
47-16126
47-16139
47-16143
47-16146
47-16316
47-16483
47-16485
47-16487
47-16489
47-16491
47-16497
47-16499
47-16501
47-16503
47-16505
47-16514
47-16532
47-16626

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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

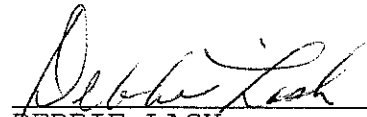
Water Right(s): 47-16040
(SEE ATTACHED EXHIBIT A)

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 10, 2006, with sufficient first-class postage prepaid to the following:

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

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


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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)
Case No. 39576)
)
)

Water Right(s): 47-16040
(SEE ATTACHED EXHIBIT A)

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