

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2006 MAR 8 AM 10 04

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 65-22742,
	)	65-22743, and 65-22744

I. FINDINGS OF FACT

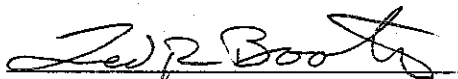
A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water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

Objections were timely filed to the *Director's Report* by the United States of America, Department of Interior, Bureau of Land Management, and/or the State of Idaho Department of Lands. On February 24, 2006, the parties to the subcases filed *Standard Forms 5 – Stipulated Elements of a Water Right*, which resolved the objections.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5, II* IS RECOMMENDED that water rights 65-22742, 65-22743, and 65-22744 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated March 6, 2006


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]*

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In Re SRBA)
Case No. 39576)
PARIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-22742

NAME AND ADDRESS: A L CATILE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: UNNAMED STREAM TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13 000
gallons per day.

PRIORITY DATE: 01/25/1906

POINT OF DIVERSION: T09N R01W S02 NESWSE (Instream Beginning Point) Within Gem County
SWSESE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Gem County
	T09N R01W S02 SWSE	SESE

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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

RECOMMENDATION

MAR - 8 2006

[Signature]
SPECIAL MASTER

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
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-22743

2006 MAR 8 AM 10 04

NAME AND ADDRESS: A L CAIILE INC
PO BOX 608
EMMEII. ID 83617

SOURCE: ANDERSON CREEK IRIIBUIARY: PAYEIII RIVER
UNNAMED SIREAM IRIIBUIARY: BIG WILLOW CREEK

QUANTIIIIY: 0 02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORIIII DATE: 01/25/1906

POINT OF DIVERSION: I10N R01W S35 NWNESE (Instream Beginning Point) Within Washington County
NENESE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTIIIIY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Washington County
I10N R01W S35 NESE

OTHER PROVISIONS NECESSARY FOR DEFINIITION OR ADMINISIRAIION OF IHIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISIRAIION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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RULE 54(b) CERTIFICATE

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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

RECOMMENDATION

MAR - 8 2006

[Signature]
SPECIAL MASTER

FILED

Water Right 65-22744

PAGE 1
Mar-01-2006

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In Re SRBA)
)
Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 65-22742
65-22743 65-22744

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 March 08, 2006, with sufficient first-class postage prepaid to
the following:

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

IDAHO DEPARTMENT OF LANDS

Represented by:
DAVID J. BARBER
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

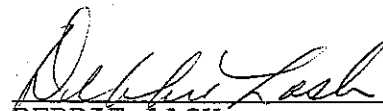
A L CATTLE INC

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
TWIN FALLS, ID 83301-6167
Phone: 208-733-0700

CERTIFICATE OF MAILING

PAGE 1
03/08/06

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

A handwritten signature in cursive script, appearing to read "Debbie Lash", is written over a horizontal line.

DEBBIE LASH
Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

2006 MAR 8 AM 10 05

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 65-22742
65-22743 65-22744

On March 08, 2006, 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 March 08, 2006.

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk