

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2006 MAR 8 AM 10 06

**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 85-11536
	)	

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 26, 2005, the claimant of the water right, the Waha Glen Water District, filed an objection to the *Director's Report*. On October 25, 2005, the claimant filed a *Standard Form 4 - Motion to File an Amended Notice of Claim*. By order dated October 27, 2005, the motion was granted, and a supplemental director's report was requested. On December 14, 2005, the Idaho Department of Water Resources filed a *Supplemental Director's Report*. No objections have been filed thereto, and the time for doing so has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 85-11536 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 7, 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]*

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I R C P 54(b) FOR
Water Right 85-11536

2006 MAR 8 AM 10 06

NAME AND ADDRESS: WAHA GLEN WATER DISTRICT
40032 WAHA GLEN ROAD
LEWISTON, ID 83501

SOURCE: SPRING TRIBUTARY: MUD LAKE

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/05/1945

POINT OF DIVERSION: T33N R04W S08 SESESE Within Nez Perce County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.04 CFS

PLACE OF USE:

PLACE OF USE IS WITHIN THE SERVICE AREA OF WAHA GLEN WATER
DISTRICT AS PROVIDED FOR UNDER IDAHO LAW. THE PLACE OF USE IS
GENERALLY LOCATED IN T33N R04W S08, S09 AND S16.

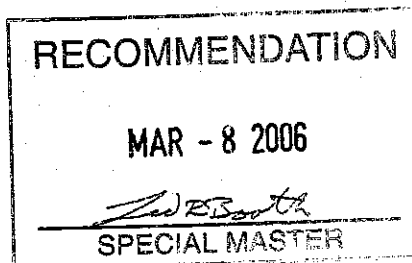
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.R.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



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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 85-11536

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

WAHA GLEN WATER DISTRICT
WAHA WATER DISTRICT

Represented by:
EDWIN L. LITTENEKER
PO BOX 321
LEWISTON, ID 83501-0321
Phone: 208-746-0344

[Signature of Debbie Lash]

DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)
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Water Right(s) : 85-11536


DEBBIE LASH
Deputy Clerk