

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2006 JUN 16 PM 1 43

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 81-07115 and 81-
	)	11984

I. FINDINGS OF FACT

A notice of claim was filed for water right 81-07115 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 the water right.

On February 7, 2005, the Claimant of the water right, the City of Kooskia, by and through counsel Kirk MacGregor, filed an objection to the *Director's Report*. On February 7, 2006, the claimant filed a *Standard Form 4 – Motion to File Amended Notice of Claim*¹. A hearing on the *Motion* was held on February 7, 2006, at which time the motion was granted and a deadline was set for the filing of an amended *Director's Report*. The purpose of the motion to file an amended claim was to “split-out” an additional claim from claim number 81-07115. Claim number 81-07115 is based upon a license with a priority date of December 13, 1985, and was reported by the Director in accordance with the license. The *Special Master's Recommendation* attached hereto is that water right 81-07115 be decreed exactly as it was reported in the *Director's Report*.

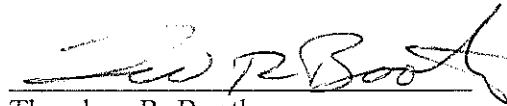
¹ The motion was originally submitted to the Court as a motion to file a late notice of claim, but it was lodged as opposed to filed because a claim had already been filed for water right 81-07115. At the February 7, 2006 hearing, the parties and IDWR agreed that the motion should be docketed and filed as a motion to file an amended notice of claim.

As to water right claim 81-11984, this claim is based upon beneficial use, with a priority date of January 6, 1914. On March 31, 2006, an *Amended Director's Report* was filed for water right 81-7115 (unchanged from the original *Director's Report*), and a *Director's Report* was filed for water right 81-11984. The filing of these *Director's Reports* appeared on the docket sheet, together with a notation regarding 81-11984 having been split from 81-07115. No objections have been filed to the aforementioned *Director's Reports*, 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 rights 81-07115 and 81-11984 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated June 15, 2006

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

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-SRB,
TWIN FALLS, IDAHO
FILED *[Signature]*

2006 JUN 16 PM 1 44

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 81-07115

NAME AND ADDRESS: CITY OF KOOSKIA
PO BOX 126
KOOSKIA, ID 83539-0126

SOURCE: GROUND WATER

QUANTITY: 1.08 CFS

Right Nos. 81-7115 and 81-11984 are limited to a total combined
diversion rate 1.08 cfs.

PRIORITY DATE: 12/13/1985

POINT OF DIVERSION: T32N R04E S04 LOT 4 (SWNNWN) Within Idaho County
S05 LOT 8 (SESENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.08 CFS

PLACE OF USE:
Place of use is within the service area of the City of Kooskia
municipal water supply system as provided for under Idaho Law.

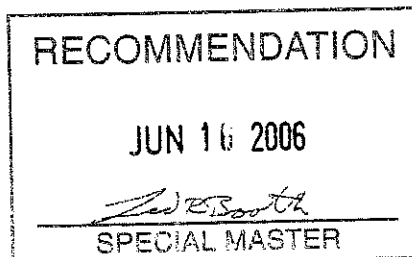
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 *PL*

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 81-11984

2006 JUN 16 PM 1 44

NAME AND ADDRESS: CITY OF KOOSKIA
P O BOX 126
KOOSKIA, ID 83539-0126

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

Right Nos. 81-7115 and 81-11984 are limited to a total combined
diversion rate of 1.08 cfs.

PRIORITY DATE: 01/06/1914

POINT OF DIVERSION: T32N R04E S04 LOT 4 (NWNW) Within Idaho County
S05 LOT 8 (NENE)

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 the City of Kooskia
municipal water supply system as provided for under Idaho Law.

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

To the extent necessary for administration between points of
diversion for ground water; and between point of diversion for
ground water and hydraulically connected surface sources, water
was first appropriated or used from:

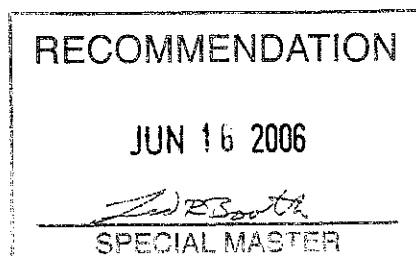
Kooskia Well No. 1 located in T32N, R04E, S05, Lot 8, (NENE) on
1/6/1914 in the amount of 0.04 cfs, and 12/13/1985 for an
additional 0.50 cfs.

Kooskia Well No. 2 located in T32N, R04E, S04, Lot 4, (NWNW) on
12/13/1985 in the amount of 0.54 cfs.

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

DISTRICT COURT-GRBA
TWIN FALLS CO. 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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 81-07115
81-11984

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 June 16, 2006, with sufficient first-class postage prepaid to the following:

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

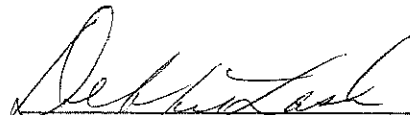
JOHN SCHURBON

Represented by:
KIRK A. MAC GREGOR
PO BOX 463
416 W MAIN ST
GRANGEVILLE, ID 83530
Phone: 208-983-0250

CITY OF KOOSKIA
P O BOX 126
KOOSKIA, ID 83539-0126

CITY OF KOOSKIA
PO BOX 126
KOOSKIA, ID 83539-0126
Phone: 208-926-4684

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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06/16/06

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In Re SRBA)
)
Case No. 39576)
)

)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

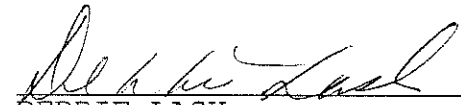
Water Right(s): 81-07115
81-11984

On June 16, 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 June 16, 2006.



DEBBIE LASH
Deputy Clerk