

2006 AUG 16 PM 12: 21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 69-11512

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) 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 25, 2006, The United States of America, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report*, asserting that the place of use should not include BLM owned land. On July 11, 2006, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the BLM's objection. The Idaho Department of Water Resources concurred in the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 69-11512 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated August 16, 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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 69-11512

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TWIN FALLS CO IDAHO
FILED

NAME AND ADDRESS: MAGNESS RACING VENTURES INC
ATTN SHARON MAGNESS BLAKE
4343 S HOLLY ST
ENGLEWOOD, CO 80111

ROCKING M CATTLE CO
C/O ROY M MOORE
5360 N FRANKLIN ST
DENVER, CO 80216

SOURCE: RAFT CREEK TRIBUTARY: SNAKE RIVER
UNNAMED STREAM TRIBUTARY: RAFT CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1900

POINT OF DIVERSION:	T14N R06W S05	SWNE	(Instream Beginning Point)	Within Washington County
	T15N R06W S27	SWNE	(Instream Beginning Point)	
		NWNW	(Instream Beginning Point)	
		SWSE	(Instream Beginning Point)	
		NESW	(Instream Ending Point)	
	S28	SESW	(Instream Beginning Point)	
		SWSW	(Instream Ending Point)	
		SESW	(Instream Ending Point)	
		SESE	(Instream Ending Point)	
	S29	SWSE	(Instream Ending Point)	
	S31	NESE	(Instream Ending Point)	
	S32	SWSW	(Instream Ending Point)	
		SESW	(Instream Ending Point)	
		SENE	(Instream Beginning Point)	
	S33	SWSW	(Instream Beginning Point)	
	S34	NENW	(Instream Beginning 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 Washington County
	T14N R06W S04 LOT 3	(NENW) LOT 4 (NWNW)
	S05 LOT 1	(NENE) LOT 2 (NWNE)
		SWNE SENE
	LOT 3	(NENW) LOT 4 (NWNW)
		SWNW SENW
	T15N R06W S27	NWNE SWNE
		SENE NENW
		NWNW SWNW
		SESW NESW
		NWSW SWSW
		SESW NESE
		NWSE SWSE
		SESE
	S28	NENE NWNE
		SWNE SENE
		SWNW SENW

PLACE OF USE (continued)

	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S29	NESE	NWSE
	SWSE	SESE
S31	NESE	
S32	NENE	NWNE
	SENE	NENW
	SWNW	SENW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S33	NENE	NWNE
	NWNW	NESW
	SWSW	SESW
	NESE	NWSE
S34	NENE	NWNE
	SWNE	SENE
	NENW	NWNW

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).

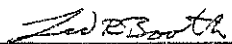
RULE 54(b) CERTIFICATE

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

AUG 16 2006


SPECIAL MASTER

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TWIN FALLS CO., IDAHO
FILED *[Signature]*

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): 69-11512

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

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

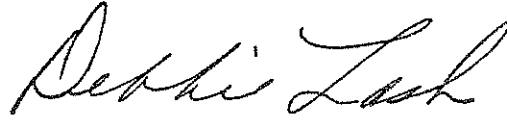
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MAGNESS RACING VENTURES INC
ATTN SHARON MAGNESS BLAKE
4343 S HOLLY ST
ENGLEWOOD, CO 80111
Phone: 970-262-2325

CERTIFICATE OF MAILING

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08/16/06

ROCKING M CATTLE CO
C/O ROY M MOORE
5360 N FRANKLIN ST
DENVER, CO 80216
Phone: 303-294-0146



DEBBIE LASH
Deputy Clerk

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Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

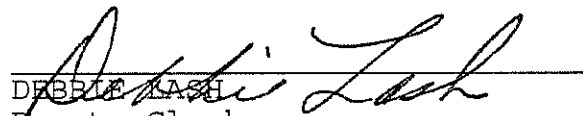
Water Right(s): 69-11512

On August 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 August 16, 2006.


DEBBIE LASH
Deputy Clerk