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DEC 20 2006

DEPARTMENT OF
WATER RESOURCES

2006 DEC 19 PM 12: 59

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 63-32217

I. FINDINGS OF FACT

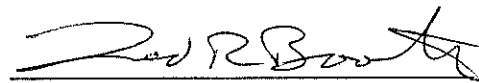
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On April 21, 2006, the claimants of the water right, Victorina and Lou Murgoitio, filed an objection to the *Director's Report*. An initial hearing was held on the objection on December 1, 2006. Also on December 1, 2006, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the 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 Forms 5*, IT IS RECOMMENDED that water right 63-32217 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated December 12, 2006



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-32217

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *DA*

NAME AND ADDRESS: LOU P MURGOITIO
VICTORINA M MURGOITIO
7373 S MAPLE GROVE RD
BOISE, ID 83709

SOURCE: GROUND WATER

QUANTITY: 0.38 CFS
18.50 AFY

PRIORITY DATE: 06/01/1930

POINT OF DIVERSION: T02N R01E S12 NWNW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.24 CFS 14.10 AFY
	Commercial	01-01 TO 12-31	0.10 CFS 3.10 AFY
	Domestic	01-01 TO 12-31	0.04 CFS 1.20 AFY

Domestic use is for 1 home.
Commercial use is for a dairy.
Stockwater use is for 2000 hd sheep, 250 range cattle, 20
horses and 150 head dairy cattle.

PLACE OF USE:	Stockwater		Within Ada County
	T02N R01E S12	NWNW	
	Commercial		Within Ada County
	T02N R01E S12	NWNW	
	Domestic		Within Ada County
	T02N R01E S12	NWNW	

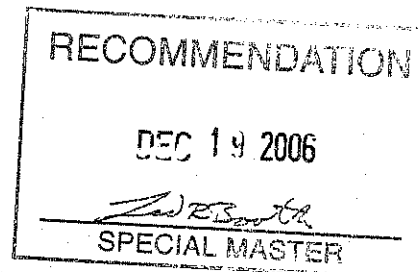
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

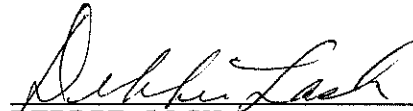
Water Right(s): 63-32217

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 December 19, 2006, with sufficient first-class postage prepaid to the following:

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

LOU P MURGOITIO
VICTORINA M MURGOITIO
7373 S MAPLE GROVE RD
BOISE, ID 83709
Phone: 208-362-1262


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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12/19/06

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

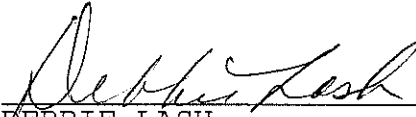
Water Right(s): 63-32217

On December 19, 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 December 19, 2006.


DEBBIE LASH
Deputy Clerk