

RECEIVED

FEB 09 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - JUDGE
TWIN FALLS CO., IDAHO

FILED

2007 FEB 8 PM 2 28

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-17672

I. FINDINGS OF FACT

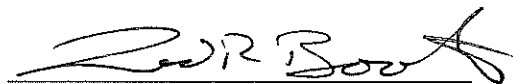
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On April 21, 2006, the Edwards Family, LLC, by and through its counsel Dana Hofstetter, filed an objection to the *Director's Report*, asserting that the water right does not authorize the diversion of water from the Stewart Gulch Geothermal Aquifer. On February 6, 2007, a hearing on an *Order to Show Cause* (OTSC) was held, at which the claimant failed to appear. Pursuant to the terms of the OTSC, the objection was granted, resulting in the addition of a remark under the source element of the water right. The Idaho Department of Water Resources concurred with the addition of such language.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-17672 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated February 7, 2007



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, IDAHO

FILED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-17672

2007 FEB 8 PM 2 28

NAME AND ADDRESS: DORSEY MUSIC
DORSEY WHEELER
5015 W STATE ST
BOISE, ID 83703

SOURCE: GROUND WATER

This water right does not authorize the diversion of a low
temperature geothermal resource or other geothermal resource.

QUANTITY: 0.04 CFS
1.00 AFY

The quantity of water under this right shall not exceed 2,500
gallons per day.

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION: T04N R02E S29 SWSW Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Commercial	01-01 TO 12-31	0.04 CFS
		1.00 AFY

Commercial use is for a retail store and irrigation of
landscaping.

PLACE OF USE: Commercial Within Ada County
T04N R02E S29 SWSW

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

FEB - 8 2007

SPECIAL MASTER

2007 FEB 8 PM 2 28

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s) : 63-17672

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.

DIANA R DELANEY
Deputy Clerk

FILED 09-11-06
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 8 PM 2 28

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): 63-17672

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 February 08, 2007, with sufficient first-class postage prepaid to the following:

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

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

DORSEY MUSIC
DORSEY WHEELER
1231 CALDWELL BLVD
NAMPA, ID 83651

CERTIFICATE OF MAILING

PAGE 1
02/08/07