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DEPARTMENT OF

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 16 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

) AMENDED SPECIAL MASTER'S
) REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 61-00349,
) 61-00353, 61-00356, 61-00357, 61-02242,
) 61-02243, and 61-07231

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water rights 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 these water rights.

On June 15, 1999, the United States of America, Department of Interior, Bureau of Land Management (BLM) filed objections to the *Director's Report* for water right claims 61-00356, 61-00357, 61-02242, 61-02243, and 61-07231¹. On July 28, 2005, the BLM, voluntarily dismissed its objections, which were resolved by the filing of *Notices of Completed Administrative Proceedings* in each subcase.

A *Special Master's Report and Recommendation* was issued for the above-captioned water rights on January 30, 2007. On February 13, 2007, the SRBA Court received correspondence from IDWR stating that the recommendation contained a remark under the place of use element that should not have been included. The correspondence also represented that the attorney for the claimant agrees that the remark should be removed. Accordingly, this *Amended Special Master's Report and Recommendation* recommends that the water rights be decreed without the subject remark.

¹ As to water right claims 61-00349 and 61-00353, no objections were filed in these two subcases, but they were processed along with the related water right claims to which objections were filed.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 61-00349, 61-00353, 61-00356, 61-00357, 61-02242, 61-02243, and 61-07231 be **decreed** with the elements as set forth in the attached *Amended Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated February 15, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 16 2007

By _____ Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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)
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)

CERTIFICATE OF MAILING

Water Right(s): 61-00349
61-00353 61-00356 61-00357
61-02242 61-02243 61-07231

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 16, 2007, with sufficient first-class postage prepaid to the following:

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

JAMES P SPECK
PITCHFORK RANCH LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 16 2007

By _____ Clerk
Deputy Clerk

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

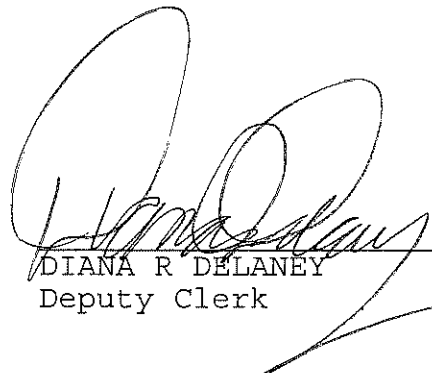
Water Right(s): 61-00349
61-00353 61-00356 61-00357
61-02242 61-02243 61-07231

On February 16, 2007, Special Master JOHN M MELANSON 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 February 16, 2007.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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By _____

Clerk
Deputy Clerk

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PLACE OF USE (continued)

LOT 1 (NWSW) 8.0
861.0 Acres Total

RIGHTS 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, AND A PORTION OF RIGHT 37-4112, HELD BY KING HILL IRRIGATION DISTRICT, SHALL NOT EXCEED THE IRRIGATION OF 825.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

RIGHTS 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 AND 37-20344 WHEN COMBINED SHALL NOT EXCEED THE IRRIGATION OF 667.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

RIGHTS 61-2242, 61-2243 AND 61-7231 WHEN COMBINED SHALL NOT EXCEED THE IRRIGATION OF 187.0 ACRES.

THE PLACE OF USE FOR RIGHT 61-7231 IS LIMITED TO THE IRRIGATION OF 60.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

