

2007 APR 13 PM 1:25

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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 29-07431
	)	

I. FINDINGS OF FACT

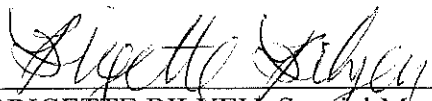
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the City of Pocatello on November 14, 2003. Pocatello's *Objection* to a general provision on source, quantity, priority and purpose of use was resolved by an *Order on Joint Motion to Dismiss Objections*. (September 21, 2006) Pocatello's request for a general provision on separate streams and separate administration was resolved by an *Order Dismissing Objections and Responses*. (July 14, 2006) Pocatello withdrew its *Objection* to quantity, purpose of use, and place of use at trial. *See also*, (Exhibit 181, tab 22) All parties to the subcase and IDWR concurred in the resolution of this water right. All parties agreed that the elements of this water right should be recommended as set forth in the *Director's Report*. (Exhibit 181, tab 22)

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

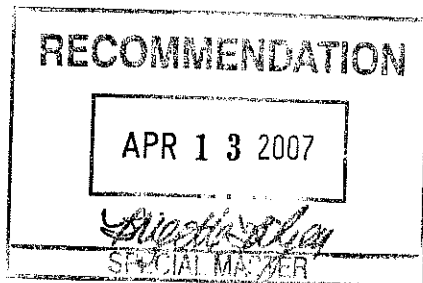
DATED: April 13, 2007.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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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-SRBA
TWIN FALLS CO., IDAHO

~~RICT OF THE~~

Water Right(s) : 29-07431

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In Re SRBA

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

)

Water Right(s): 29-07431

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 April 13, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
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AMERICAN FALLS RESERVOIR

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CERTIFICATE OF MAILING

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STATE OF IDAHO

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CITY OF POCATELLO

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JANET CONNELL
Deputy Clerk