

RECEIVED

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2008	
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT 67-04169

I. FINDINGS OF FACT

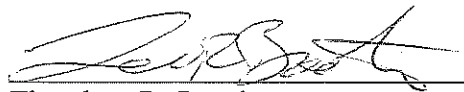
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* recommended that the water right be disallowed.

On February 6, 2007, the claimant of the water right, B & L Land & Cattle Co., Inc., filed an objection to the *Director's Report*, asserting that the water had been used for forty three (43) years. On March 5, 2008, 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 with 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 67-04169 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

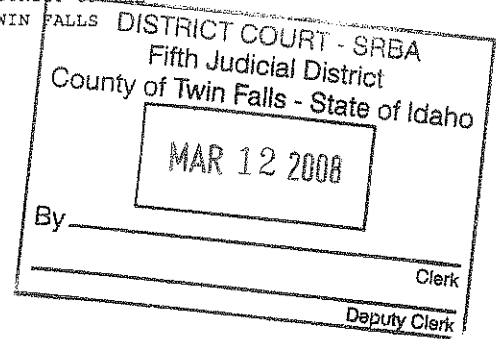
Dated March 12, 2008


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 67-04169



NAME AND ADDRESS: B & L LAND & CATTLE CO INC
C/O CECIL BILBAO/VICE PRES
3597 COW CREEK RD
CAMBRIDGE, ID 83610

B & L LAND & CATTLE CO INC
C/O ROY BILBOA/PRESIDENT
3577 COW CREEK RD
CAMBRIDGE, ID 83610

SOURCE: COW CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 3.46 CFS

PRIORITY DATE: 04/01/1964

POINT OF DIVERSION: T16N R03W S36 NWN Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.46 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T15N R02W S06 LOT 4 (NWNW)	LOT 6 (NWSW) 4.0
	R03W S01 LOT 1 (NENE) 19.0	LOT 2 (NWNE) 21.0
	SWNE 28.0	SENE 28.0
	LOT 3 (NENW) 30.0	SENE 23.0
	NESE 20.0	
	173.0 Acres Total	

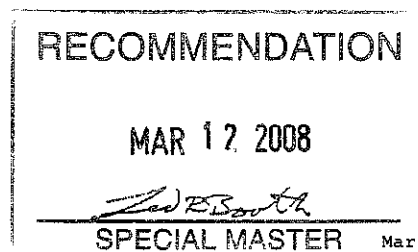
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



Administrative Order
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 12 2008
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)
_____)

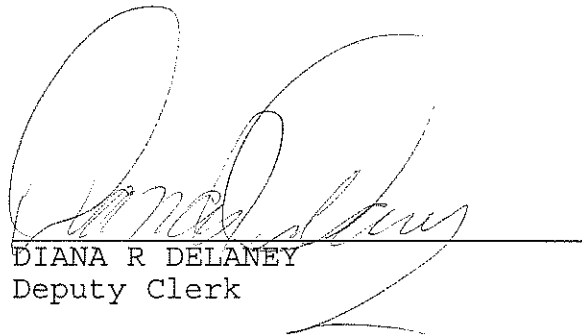
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION
Water Right(s): 67-04169

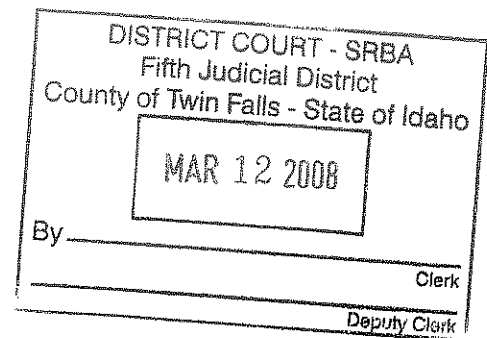
On March 12, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 March 12, 2008.


DIANA R DELANEY
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 67-04169

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 March 12, 2008, with sufficient first-class postage prepaid to the following:

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

B & L LAND & CATTLE CO INC
C/O CECIL BILBAO/VICE PRES
3597 COW CREEK RD
CAMBRIDGE, ID 83610

B & L LAND & CATLE CO INC
C/O CECIL BILBOA
3597 COW CREEK RD
CAMBRIDGE, ID 83610
Phone: 208-257-3583

B & L LAND & CATTLE CO INC
C/O ROY BILBOA/PRESIDENT
3577 COW CREEK RD
CAMBRIDGE, ID 83610
Phone: 208-257-3583

CERTIFICATE OF MAILING

A handwritten signature in cursive script, appearing to read 'Diana R. Delaney', written over a horizontal line.

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03/12/08

DIANA R DELANEY
Deputy Clerk