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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 15 2008
By _____ 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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-02758B

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 9, 2007, the claimant of the water right, Pline Farms, Inc, filed an objection to the *Director's Report*, objecting to the quantity and place of use elements of the recommendation. On June 15, 2007, the Nampa & Meridian Irrigation District filed an objection, asserting that the source of the water right is wastewater. On October 10, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objections.¹ 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 63-02758B be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Oct. 5, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

¹ The parties should note that this Special Master recommends a modification of the remark under the quantity element as follows: "The quantity of water under this right consists of 1 cfs from Indian Creek and 2.9 cfs from 9 wells, not to exceed a combined total of 3.68 cfs." The modification is intended to prevent ambiguity and is not intended to modify the elements of the water right as agreed upon by the parties and IDWR.

OCT 15 2008

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 63-02758B

NAME AND ADDRESS: PLINE FARMS INC
6805 LAKE HAZEL RD
NAMPA, ID 83687

SOURCE: GROUND WATER
INDIAN CREEK TRIBUTARY: BOISE RIVER

To the extent the source of this water right from Indian Creek
includes waste water, the wasting of water may be discontinued at
any time, in compliance with state law.

QUANTITY: 3.68 CFS
828.00 AFY

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
The quantity of water under this right consists of 1 cfs from
Indian Creek and 2.9 cfs from 9 wells, not to exceed a
combined total of 3.68 cfs.

PRIORITY DATE: 01/24/1949

POINT OF DIVERSION: T02N R01W S05 NESW Within Canyon County
NWNW
SENE
SWNE
SENE
S06 NENE
T03N R01W S31 SESE
S32 SWSW
SESW
SWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.68 CFS
	Stockwater	01-01 TO 12-31	828.00 AFY

PLACE OF USE:			
Irrigation			Within Canyon County
T02N R01W S05	NENW 32.0	NWNW 37.0	
	SNNW 35.0	SENE 34.0	
	NESW 14.5	NWSW 2.0	
S06	NENE 5.0		
T03N R01W S31	SWSE 5.0	SESE 14.5	
S32	SWSW 5.0		
184.0 Acres Total			
Stockwater			Within Canyon County
Same as Irrigation			

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

The quantity of water decreed for this water right for
stockwater use 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

RECOMMENDATION

OCT 15 2008

SPECIAL MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

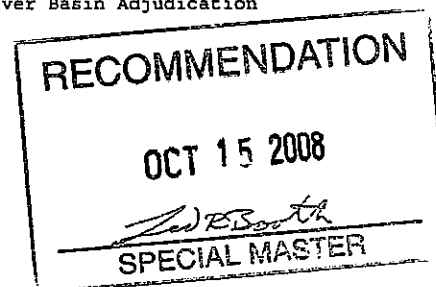
OTHER PROVISIONS (continued)

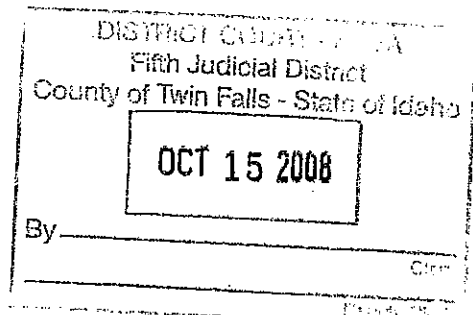
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

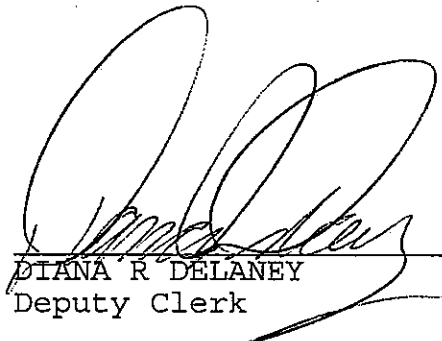
Water Right(s): 63-02758B

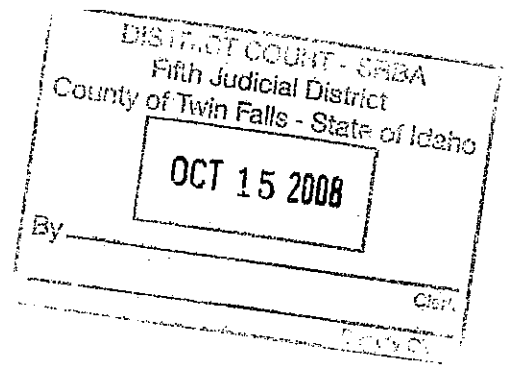
On October 15, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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 October 15, 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) : 63-02758B

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 October 15, 2008, with sufficient first-class postage prepaid to the following:

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

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

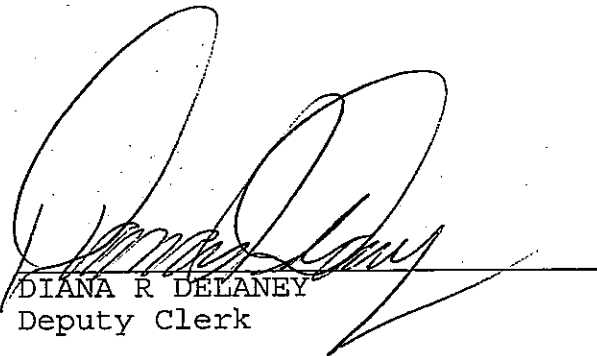
PLINE FARMS INC

Represented by:
DAVID L WHITNEY
PO BOX 26
CALDWELL, ID 83606-0026
Phone: 208-459-3659

CERTIFICATE OF MAILING

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10/15/08

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk