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NOV - 4 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 3 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 RIGHTS 63-32816,
	) 63-32948, and 63-32949
	)
	) SPECIAL MASTER'S REPORT AND
	) RECOMMENDATION OF
	) DISALLOWANCE FOR WATER RIGHT
	) CLAIMS 63-00161Q and 63-32815

I. FINDINGS OF FACT

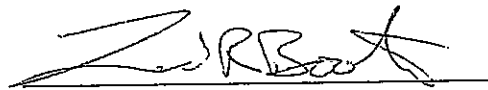
A notice of claim to a water right was filed for water right 63-00161Q in the name of L. J. Grant or Hewlett Packard Company. The notice of claim was filed by Settler's Irrigation District, acting as attorney in fact for the claimants. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water right 63-00161Q.

On March 6, 2006, Hewlett Packard Company filed an objection to the *Director's Report*, asserting that the place of use was described incorrectly. On August 13, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* which split water right 63-00161Q into water right nos. 63-32815 (L. J. Grant / Hewlett Packard Company) and 63-32186 (City of Boise). On January 22, 2008, IDWR filed another *Notice of Completed Administrative Proceeding* which split water right 63-32815 into water right nos. 63-32948 (L. J. Grant) and 63-32949 (Hewlett Packard Company). On March 31, 2008, Hewlett Packard Company filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 63-32949, which resolved its 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 rights 63-32816, 63-32948, and 63-32949 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claims 63-00161Q and 63-32815.

Dated Nov. 3, 2008

A handwritten signature in black ink, appearing to read 'T. R. Booth', written over a horizontal line.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

NOV - 3 2008

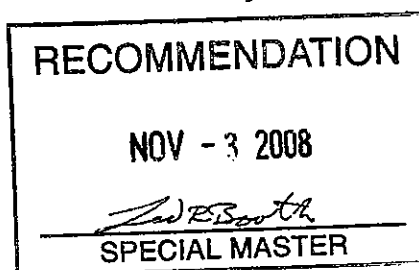
In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32816

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Jul-25-2008

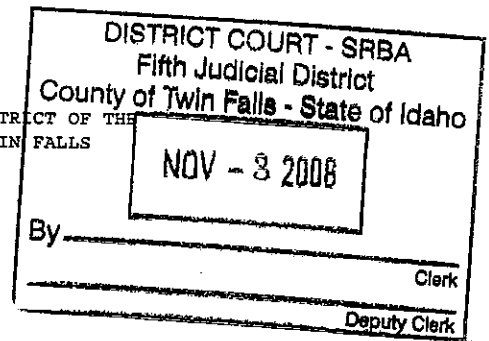
RULE 54(b) CERTIFICATE

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32948

NAME AND ADDRESS: L J GRANT
C/O IDAHO FIRST NATIONAL
PO BOX 7928
BOISE, ID 83707

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.36 CFS

This right when combined with Right Nos 63-161T, 63-8599A,
63-9322 and 63-32816 shall provide no more than .02 cfs per
acre.

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION: T03N R02E S09 LOT 7 (SWNE) Within Ada County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.36 CFS

Diversion for irrigation under this water right prior to April 1
and after October 31 shall occur only as authorized by the Water
District 63 Water Master and only when water is being released
for flood control by the United States from the Lucky Peak Dam
outlet under procedures and requirements for the Memorandum of
Agreement between the U.S. Department of the Army and the U.S.
Department of the Interior for Flood Control Operations of the
Boise River Reservoirs, dated November 20, 1953, the Water
Control Manual for Boise River Reservoirs dated April 1985 and
any future amendments or revisions made thereto pursuant to
state or federal procedures or law; provided that any such use
of this water right prior to April 1 and after October 31 shall
be subordinated to water rights for storage in Lucky Peak
Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson
Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:	Irrigation	Within Ada County
	T04N R01E S28	NENW 39.0
	S34	SENE 40.0
		SENE 40.0
	166.0 Acres Total	

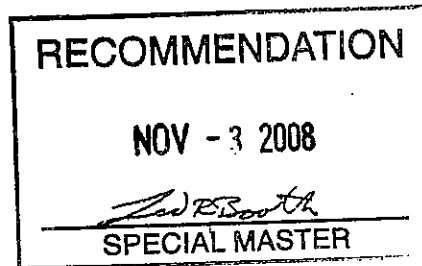
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

By _____ Clerk

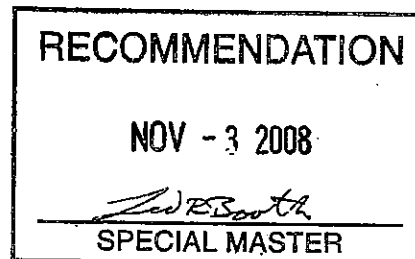
Deputy Clerk

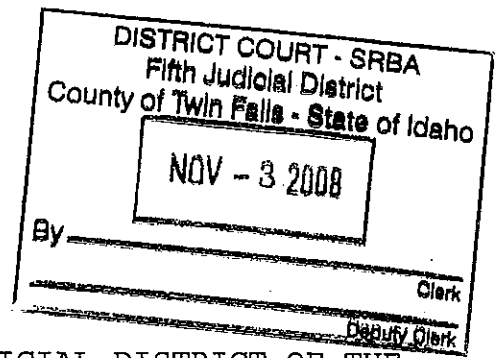
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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

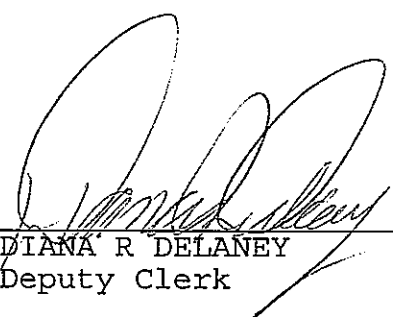
Water Right(s): 63-00161Q
63-32815 63-32816 63-32948
63-32949

On November 03, 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.

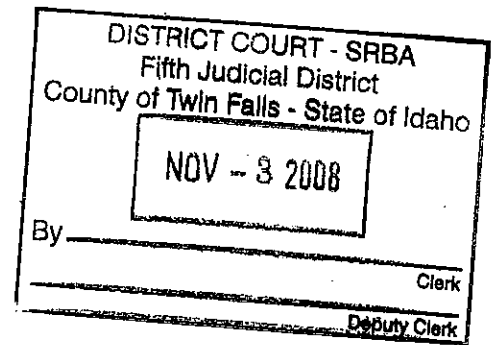
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 November 03, 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): 63-00161Q
63-32815 63-32816 63-32948
63-32949

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 November 03, 2008, with sufficient first-class postage prepaid to the following:

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

HEWLETT PACKARD CO
ATTENTION ROBERT WEBER
11311 CHINDEN BLVD
MAIL STOP 882
BOISE, ID 83714-0021

L J GRANT
C/O IDAHO FIRST NATIONAL
PO BOX 7928
BOISE, ID 83707

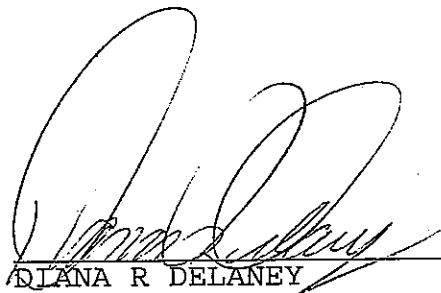
CITY OF BOISE
PARKS & RECREATION DEPARTMENT
1104 ROYAL BLVD
BOISE, ID 83706-2898

CERTIFICATE OF MAILING

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11/03/08

HEWLETT PACKARD CO
11311 CHINDEN BLVD
MAIL STOP 882
ATTN ROBERT WEBER
BOISE, ID 83714-0021
Phone: 208-396-4212

HEWLETT PACKARD CO
11311 CHINDEN BLVD
MAIL STOP 882
BOISE, ID 83714-0021
Phone: 208-396-4212



DIANA R DELANEY
Deputy Clerk