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NOV 10 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV - 9 2009
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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 29-13678
_____	)	

I. FINDINGS OF FACT

A 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 for Late Claims* contained a recommendation for the elements of this water right.

An *Objection* was filed by City of Lava Hot Springs on January 3, 2008. A *Motion to File an Amended Claim* was filed by City of Lava Hot Springs on January 13, 2008. A hearing was held on June 30, 2008. There was no opposition to the *Motion*. The *Motion* was granted.

An *Amended Directors' Report* was filed on February 27, 2009. The City of Lava Hot Springs filed an *Objection* on March 20, 2009. The *Objection* was resolved with the filing of a *Standard Form 5* on July 27, 2009. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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: November 9, 2009.


BRIGETTE BILYEU
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 29-13678

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV - 9 2009 By _____ Clerk Deputy Clerk
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NAME AND ADDRESS: CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS, ID 83246

SOURCE: SPRINGS TRIBUTARY: FISH CREEK

QUANTITY: 0.50 CFS

RIGHT NOS. 29-4230 AND 29-13678 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.62 CFS.

PRIORITY DATE: 03/01/1889

POINT OF DIVERSION: T09S R38E S24 SESWSW Within Bannock County
S25 SESWSW
NWNENE
NWNENW
NWNENW
NENWNW
NENWNW
NENWNW
NENWNW
NENWNW
NENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	04-15 TO 09-15	0.50 CFS

PLACE OF USE: PLACE OF USE IS WITHIN THE SERVICE AREA OF THE CITY OF LAVA HOT
SPRINGS MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO
LAW.

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.

RECOMMENDATION NOV 09 2009 <i>Bigella Lilley</i> SPECIAL MASTER
--

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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 29-13678

On November 09, 2009, Special Master BRIGETTE BILYEU 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 09, 2009.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 29-13678

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 09, 2009, with sufficient first-class postage prepaid to the following:

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

CITY OF LAVA HOT SPRINGS
Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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11/09/09