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OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 20 2010	
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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-02631A,
) 63-02631C, 63-02632A, and 63-02632C

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights 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 these water rights.

On August 12, 2008, the claimant of these rights, Kasper Land & Cattle, LLC, through its attorney Bruce M. Smith, filed objections to the *Director's Report* concerning the place of use for the rights. On September 17, 2010, the claimant withdrew the objections. There are now no unresolved objections, and the rights may be decreed with the elements as set forth in the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-02631A, 63-02631C, 63-02632A, and 63-02632C be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Oct. 20, 2010


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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-02631A

NAME AND ADDRESS: KASPER LAND AND CATTLE LLC
3349 HILL RD
MELBA, ID 83641

SOURCE: JENSEN LAKE

QUANTITY: 3.92 CFS

PRIORITY DATE: 06/21/1946

POINT OF DIVERSION: T01S R02W S22 SWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.92 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T01S R02W S21	NENE 5.0 NWNE 30.0 SENE 34.0 NESE 28.0 SESE 17.0
	LOT 2	(NESW) 2.0
		NWSE 40.0
	196.0 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

SEP 20 2010

David B. Booth
SPECIAL MASTER

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 63-02631C

NAME AND ADDRESS: KASPER LAND AND CATTLE LLC
3349 HILL RD
MELBA, ID 83641

SOURCE: JENSEN LAKE

QUANTITY: 1.86 CFS

PRIORITY DATE: 08/30/1947

POINT OF DIVERSION: T01S R02W S22 SWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.86 CFS

PLACE OF USE:	Irrigation	Within Canyon County
T01S R02W S22	NENW 8.0	SWSW 35.0
	SESW 40.0	NESE 10.0
	NWSE 10.0	SWSE 10.0
	SESE 30.0	
S27	NENW 7.0	NWNW 15.0
165.0 Acres Total		

Right Nos. 63-2631C and 63-2632C are limited to the irrigation
of a combined total of 165 acres in a single irrigation season.

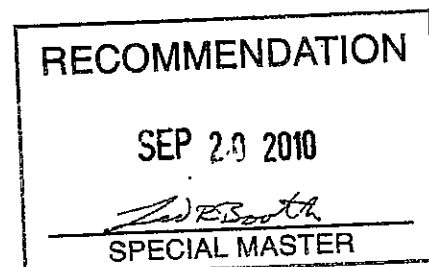
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



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 63-02632A

NAME AND ADDRESS: KASPER LAND AND CATTLE LLC
3349 HLL RD
MELBA, ID 83641

SOURCE: JENSEN LAKE

QUANTITY: 2.60 CFS

PRIORITY DATE: 06/21/1946

POINT OF DIVERSION: T01S R02W S22 SWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.60 CFS

PLACE OF USE:	Irrigation	Within Canyon County	
	T01S R02W S22	NWNW 20.0	SWNW 20.0
		SENE 20.0	NESW 40.0
		NWSW 30.0	
	130.0 Acres Total		

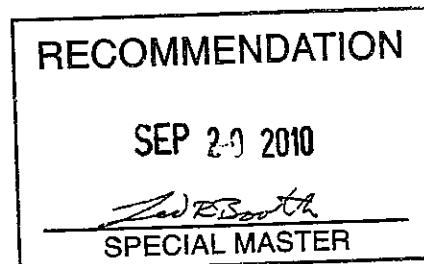
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 63-02632C

NAME AND ADDRESS: KASPER LAND AND CATTLE LLC
3349 HILL RD
MELBA, ID 83641

SOURCE: JENSEN LAKE

QUANTITY: 1.05 CFS

PRIORITY DATE: 08/30/1947

POINT OF DIVERSION: T01S R02W S22 SWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.05 CFS

PLACE OF USE:	Irrigation		Within Canyon County
	T01S R02W S22	NENW 8.0	SWSW 35.0
		SESW 40.0	NESE 10.0
		NWSE 10.0	SWSE 10.0
		SESE 30.0	
	S27	NENW 7.0	NWNW 15.0
	165.0 Acres Total		

Right Nos. 63-2631C and 63-2632C are limited to the irrigation
of a combined total of 165 acres in a single irrigation season.

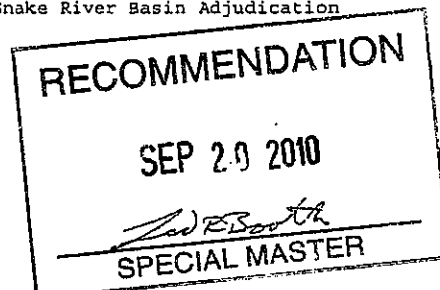
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

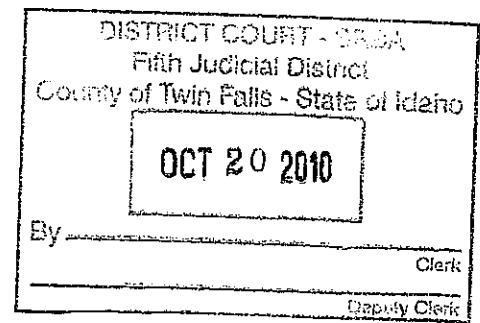
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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

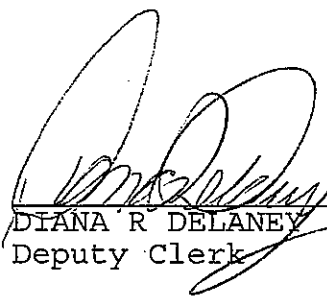
Water Right(s): 63-02631A
63-02631C 63-02632A 63-02632C

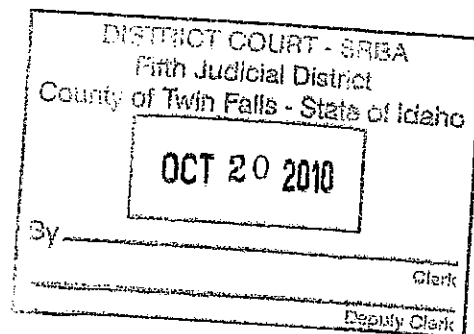
On October 19, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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 19, 2010.


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): 63-02631A
63-02631C 63-02632A 63-02632C

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 19, 2010, with sufficient first-class postage prepaid to the following:

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

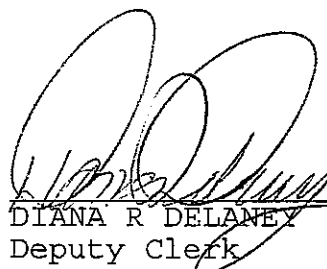
KASPER LAND & CATTLE LLC
KASPER LAND AND CATTLE LLC
THOMAS KASPER

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

KASPER LAND & CATTLE LLC

Represented by:
CARL J WITHROE
950 W BANNOCK ST STE 520
BOISE, ID 83702
Phone: 208-331-1800

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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10/19/10