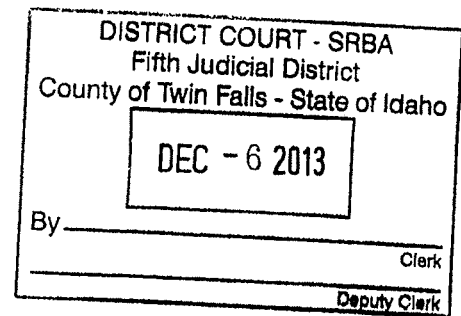


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DEC 09 2013

DEPARTMENT OF
WATER RESOURCES



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 AND
) RECOMMENDATION RE: MOTIONS
) TO SET ASIDE PARTIAL DECREES
)
) FOR WATER RIGHT Nos. 63-19447 and
) 63-19448
)
)
)

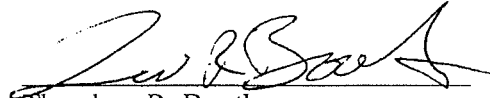
On April 21, 2003, *Partial Decrees* were issued for the above-captioned water rights. On April 19, 2013, the claimant of the water rights, the Featherville Townsite Water Corporation, through its attorney Jay R. Friedly, filed *Motions to Set Aside Partial Decrees* for the purpose of changing the "purpose of use" element of the rights to more accurately describe the use to which the water is put. A hearing on the *Motions* was held on July 30, 2013.

Based upon the comments of the participants at the hearing, and upon the file and record herein, this Special Master finds that the movant has satisfied the criteria set forth in I.R.C.P. 60(b), and that the SRBA District Court should set aside the previously issued *Partial Decrees* and issue amended partial decrees for water rights 63-19447 and 63-19448 as recommended herein. In anticipation of the issuance of amended partial decrees, *Amended Director's Reports* were filed by IDWR on August 29, 2013. Notice of the issuance of the *Amended Director's Reports* was published on the Court's docket sheet in September 2013, with an objection period ending September 30, 2013. No objections were filed to the *Amended Director's Reports*, and the time for objecting has expired.

Therefore based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court issue amended partial decrees for water rights 63-19447 and 63-19448 with the

elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated December 6, 2013



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-19447

NAME AND ADDRESS: FEATHERVILLE TOWNSITE WATER
CORPORATION
C/O JONI VANN - HARRIS
4906 NE RANCHO WAY
MOUNTAIN HOME, ID 83647

SOURCE: SPRING TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 06/01/1921

POINT OF DIVERSION: T03N R10E S10 SNNW Within Elmore County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.12 CFS

PLACE OF USE:
Place of use is within the service area of Featherville Townsite Water Coporation as provided for under Idaho law. The place of use is generally located within Section 10, Township 03N, Range 10E.

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

DEC -6 2013

SPECIAL MASTER

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-19448

NAME AND ADDRESS: FEATHERVILLE TOWNSITE WATER
CORPORATION
C/O JONI VANN - HARRIS
4906 NE RANCHO WAY
MOUNTAIN HOME, ID 83647

SOURCE: GROUND WATER

QUANTITY: 0.20 CFS

PRIORITY DATE: 06/01/1951

POINT OF DIVERSION: T03N R10E S10 NENW Within Elmore County
LOT 4 (SWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.20 CFS

PLACE OF USE:

Place of use is within the service area of Featherville Townsite
Water Corporation as provided for under Idaho law. The place of
use is generally located within Section 10, Township 03N,
Range 10E.

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).

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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

DEC -6 2013

David R. Smith
SPECIAL MASTER

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DEC 09 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC - 6 2013	
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

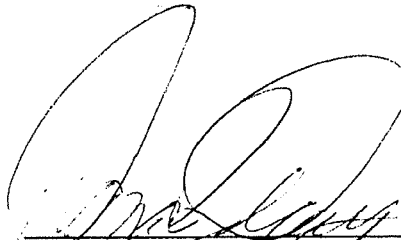
Water Right(s): 63-19447
63-19448

On December 06, 2013, 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 December 06, 2013.



DIANA R DELANEY
Deputy Clerk

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DEC 09 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC - 6 2013	
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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-19447

63-19448

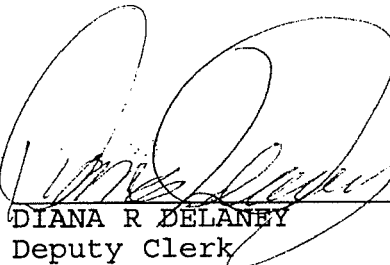
CERTIFICATE OF MAILING

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 December 06, 2013, with sufficient first-class postage prepaid to the following:

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

FEATHERVILLE TOWNSITE WATER

Represented by:
JAY R FRIEDLY
HALL FRIEDLY & WARD
340 EAST 2ND NORTH
MOUNTAIN HOME, ID 83647
Phone: 208-587-4412


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/06/13