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DEC 12 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 11 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) AMENDED SPECIAL MASTER'S
Case No. 39576) REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
_____) FOR WATER RIGHT 72-16883

I. FINDINGS OF FACT

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 for the elements of this water right.

On February 2, 2013, the claimant Western States Land Management, Inc., through its attorney Dylan B. Lawrence, filed an objection to the *Director's Report*. On October 25, 2013, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation. On November 6, 2013, a *Special Master's Report* was issued. This *Amended Special Master's Report* is being issued for the purpose of correcting a clerical error in the previous *Special Master's Report*.

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 72-16883 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated December 11, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 72-16883

NAME AND ADDRESS: WESTERN STATES LAND
MANAGEMENT INC
PO BOX 805
FRANKTOWN, CO 80116

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 10.90 CFS

The appropriator is entitled to the quantity of water described
in water right numbers 72-16605 & 72-16883 at the point of
measurement in T11N, R18E, S14, NENW.
The rights listed below are limited to a total combined diversion
rate of 16.26 cfs. Combined Right Nos.: 72-16605, 72-16607
and 72-16883.

PRIORITY DATE: 04/16/1914

POINT OF DIVERSION: T11N R18E S14 LOT 7 (NENWSW) Within Custer County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 10.90 CFS

PLACE OF USE: Irrigation Within Custer County
T11N R18E S01 LOT 5 (SWNW)22.0 LOT 6 (NWSW)21.0
LOT 7 (SWSW)12.0
S02 LOT 9 (SESE) 9.5
S11 LOT 1 (NENE)22.0 LOT 4 (SWNE)10.0
LOT 4 (SENE)28.5 LOT 5 (NWSE) 9.0
134.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 134 acres in a single irrigation season.
Combined Right Nos.: 72-16605, 72-16607 & 72-16883.

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

Water diverted pursuant to this right that remains in the
delivery system beyond the field headgates is returned to the
Salmon River.

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).

RECOMMENDATION
AMENDED
DEC 11 2013
Red B. Smith
SPECIAL MASTER

DEPARTMENT OF
WATER RESOURCES

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

DEC 11 2013

By _____ Clerk

Deputy Clerk

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

Water Right(s) : 72-16883


DIANA R DELANEY
Deputy Clerk

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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

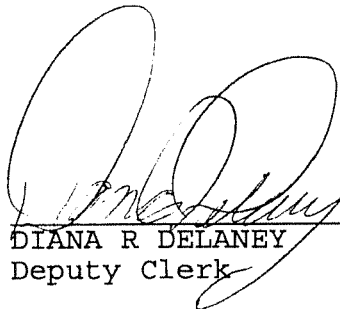
Water Right(s) : 72-16883

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 11, 2013, with sufficient first-class postage prepaid to the following:

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

WESTERN STATES LAND
Represented by:
DYLAN B LAWRENCE
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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