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DEC 11 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 21

2002 DEC 9 PM 4 13

**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

) **Subcase 83-10057**
) **(Forge)**
)
) **SPECIAL MASTER REPORT**
) **AND RECOMMENDATION**

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22 (IDWR Basin 83)* on March 19, 1999. The Director recommended claim 83-10057 to Walter and Barbara Forge for .03 cfs from groundwater for year-'round domestic use in Clearwater County with a priority date of July 15, 1973, based on beneficial use. No one opposed the recommendation and on July 28, 2000, former-Presiding Judge Barry Wood entered a *Partial Decree* as recommended by IDWR.

On September 26, 2001, Walter and Steven Forge wrote to the SRBA Court asking that the *Partial Decree* be set aside because of errors in the point of diversion and place of use. The matter was referred to the Special Master on October 12, 2001.

On October 28, 2002, claimants Dan, Hal and Steven Forge, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to an amended point of diversion and place of use and the claimants being: Dan Forge, 1410 Richardson Avenue, Lewiston, Idaho 83501; Hal Forge, 6768 Cougar Ridge Drive, Lewiston, Idaho 83501; and Steven Forge, 629 Airway Avenue, Lewiston, Idaho 83501.

Conclusions of Law

Dan, Hal and Steven Forge have shown good cause to have the *Partial Decree* set aside and modified.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and an amended partial decree be entered in accordance with the *Amended Claim Standard Form 5*.

DATED December 9, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 70

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

2002 DEC 9 PM 4 14

Water Right 83-10057

NAME AND ADDRESS: DAN FORGE
1410 RICHARDSON AVE
LEWISTON, ID 83501

STEVEN FORGE
629 AIRWAY AVE
LEWISTON, ID 83501

HAL FORGE
6768 COUGAR RIDGE
LEWISTON, ID 83501

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/15/1973

POINT OF DIVERSION: T37N R01E S02 SWSNW Within Clearwater County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Domestic T37N R01E S02 SNNW Within Clearwater County

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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

DEC - 9 2002

Thomas A. DeLo

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 83-10057

On December 09, 2002, Special Master TERRENCE A. DOLAN 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 09, 2002.

Robbin Hall
ROBBIN HALL
Deputy Clerk

NOTICE OF ISSUANCE

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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): 83-10057

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 09, 2002, with sufficient first-class postage prepaid to the following:

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

DAN FORGE
1410 RICHARDSON AVE
LEWISTON, ID 83501

STEVEN FORGE
629 AIRWAY AVE
LEWISTON, ID 83501

HAL FORGE
6768 COUGAR RIDGE
LEWISTON, ID 83501

Robbin Hall
ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 83-10057

NAME AND ADDRESS: BARBARA J FORGE
WALTER L FORGE
1201 POWERS
LEWISTON, ID 83501

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/15/1973

POINT OF DIVERSION: T37N R02E S02 SWSNW Within Clearwater County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.03 CFS

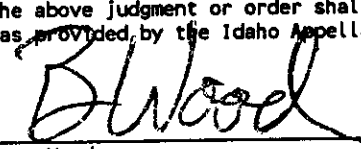
PLACE OF USE: Domestic T37N R01E S02 SENW Within Clearwater County

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RULE 54(b) CERTIFICATE

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Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication