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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
NOV 19 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	)	
	)	**SPECIAL MASTER'S REPORT AND**
Case No. 39576	)	**RECOMMENDATION FOR GENERAL**
	)	**PROVISIONS IN BASIN 63**
_____	)	

On September 30, 2002, December 16, 2005, and December 19, 2006, pursuant to Idaho Code § 42-1411(3), the Director of the Idaho Department of Water Resources filed *Director's Reports* recommending general provisions applicable to water rights in Basin 63. The only general provision recommended by the Director in Basin 63 is the connected sources (conjunctive management) general provision.

A review of the Court's files and records reveals that no objections have been specifically filed to the general provision portion of the Basin 63 *Director's Reports*. Additionally, upon a review of the subcases with unresolved objections in Basin 63, this Special Master finds that none of those subcases involve issues that relate to the recommended Basin 63 general provisions..

On February 27, 2002, Judge Burdick issued a ***Memorandum Decision and Order of Partial Decree*** in Basin Wide Issue 5 (Connected Sources General Provision), subcase 91-00005. Therein, Judge Burdick decreed the form of the conjunctive management general provision to be used in each administrative basin within the Snake River Basin Adjudication. This Special Master finds that connected sources general provision recommended in the Basin 63 *Director's Reports* is consistent with the ***Order*** issued in Basin Wide Issue 5.

In accordance with the foregoing, IT IS RECOMMENDED that the Basin 63 general provisions be **decreed** as set forth in the attached ***Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for General Provisions in Basin 63***.

Dated November 19 2013

THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR GENERAL PROVISIONS IN BASIN 79 was mailed on Nov 19, 2013 with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

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	)	
	)	**PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR GENERAL PROVISIONS IN BASIN 63**
Case No. 39576	)	
	)	
	)	

The following general provisions are hereby decreed to be applicable to water rights in Basin 63.

The following water rights from the following sources of water in Basin 63 shall be administered separately from all other water rights in Basin 63 in accordance with the prior appropriation doctrine as established by Idaho law.

WATER SOURCE: Smith Creek and Tributaries

63-00095	63-00102	63-00107	63-03353
63-00096B	63-00103	63-02598	63-03611
63-00097	63-00104	63-02916	63-07059
63-00100	63-00105	63-03334	63-08004
63-00101	63-00106	63-03335	63-08238

The following water rights from the following sources of water in Basin 63 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

Water Right No.	Source
NONE	NONE

Except as otherwise specified above, all other water rights within Basin 63 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

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 in the Idaho Appellate Rules.

Dated _____

_____
ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

RECOMMENDATION

NOV 19 2013

Ted R. Booth
SPECIAL MASTER