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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 47-11175
) (Kinyon / USDI/BLM)
)
) SPECIAL MASTER REPORT

Findings of Fact

David and Shirley Kinyon, 948 East, 3175 North, Castleford, Idaho 83321, filed a *Notice of Claim to a Water Right* on November 2, 1988, claiming .05 cfs from groundwater for year-round stockwater use in Twin Falls County with a priority date of November 15, 1974, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended the claim as filed.

The United States of America, Department of Interior, Bureau of Land Management, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, filed an *Objection* on February 12, 1999, objecting to priority date, point of diversion and place of use. On March 27, 2003, the Kinyons and the United States filed an *Amended Claim Standard Form 5* agreeing to add the United States as a claimant and amend the places of use.

Conclusions of Law

David and Shirley Kinyon and the United States are entitled to a partial decree adjudicating a water right under claim 47-11175 as described in the *Amended Claim SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-11175*.

DATED May 5, 2003.


TERRENCE A. DOLAN
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-11175

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NAME AND ADDRESS: UNITED STATES OF AMERICA BLM
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE, ID 83709-1657

DAVID KINYON
SHIRLEY KINYON
948 E 3175 N
CASTLEFORD, ID 83321

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

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

PRIORITY DATE: 11/15/1974

POINT OF DIVERSION: T11S R13E S18 SENENE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.05 CFS

PLACE OF USE:	Stockwater		Within Twin Falls County
	T10S R13E S31	NENW	
	T11S R12E S01	SWSE	
	S12	NWNE	SWNE
	S13	NESW	SWSE
	S24	SWNW	
	R13E S05	NWNW	
	S06	SESE	
	S07	SENE	
	S08	SWSW	
	S18	NENE	SWNW

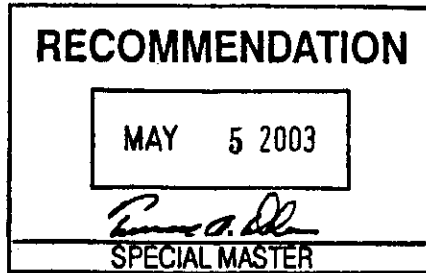
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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CERTIFICATE OF MAILING

Water Right(s): 47-11175

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 May 05, 2003, with sufficient first-class postage prepaid to the following:

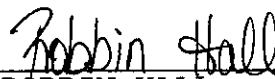
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA BLM
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DAVID KINYON
SHIRLEY KINYON
948 E 3175 N
CASTLEFORD, ID 83321
Phone: 208-537-6535

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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05/05/03

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

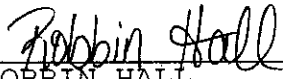
Water Right(s): 47-11175

On May 05, 2003, 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 May 05, 2003.



ROBBIN HALL
Deputy Clerk