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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 AUG 9 PM 1 53

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) Subcase 43-10423
Case No. 39576) (Woodbury)
)
) ORDER DISMISSING OBJECTION
) and SPECIAL MASTER REPORT

Findings of Fact

Lyle and Carol Woodbury, 152 N. Yale Road, Declo, Idaho, 83323, filed a *Notice of Claim to a Water Right* on June 8, 1989, claiming 8 cfs from the Raft River to irrigate 239 acres in Cassia County from March 15 to November 15 with a priority date of January 25, 1908, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but for irrigation of 26.8 acres within a 758.1 acre place of use. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use.

IDWR filed a *Notice of Completed Administrative Proceeding* on June 30, 2004, for a change in place of use. The United States filed a *Notice of Voluntary Dismissal of Objection* on July 6, 2004.

Conclusions of Law

Lyle and Carol Woodbury are entitled to a partial decree adjudicating a water right as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10423*.

Order

THEREFORE, IT IS ORDERED that the United States *Objection* is **dismissed**.

DATED August 9, 2004.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10423

2004 AUG 9 PM 1 54

NAME AND ADDRESS: CAROL J WOODBURY
LYLE D WOODBURY
152 N YALE RD
DECLO, ID 83323

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 8.00 CFS

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL MEASURE THE DIVERSION OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.90 CFS.

USE OF RIGHT NOS. 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3032.4 AF AT THE FIELD HEADGATE.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

PRIORITY DATE: 01/25/1908

POINT OF DIVERSION: T10S R27E S24 SENENW Within Cassia County
R28E S18 NWNENW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 8.00 CFS

PLACE OF USE: Irrigation Within Cassia County

T10S R27E S13	SWSE 11.0	SESE 39.0
S24	NENE 38.0	NWNE 24.0
	NENW 17.0	
R28E S07	NENE 13.0	NWNE 23.0
	SWNE 40.0	SENE 38.0
	NENW 4.1	SENE 23.0
	NESW 28.0	LOT 3 (NWSW) 46.0
LOT 4	(SWSW) 29.0	SESW 33.0
	NESE 26.0	NWSE 40.0
	SWSE 26.0	
S18	NWNE 24.0	SWNE 9.0
	NENW 35.0	LOT 1 (NWNW) 38.0
LOT 2	(SWNW) 11.0	SENE 39.0
	NESW 23.0	LOT 3 (NWSW) 44.0
LOT 4	(SWSW) 36.0	SESW 3.2
S19 LOT 1	(NWNW) 18.0	
778.3 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02335, 43-13349, 43-13350,

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

43-07122A, 43-07122B, 43-10421, 43-10422, & 43-10423.

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398.2 ACRES IN A SINGLE IRRIGATION SEASON.

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

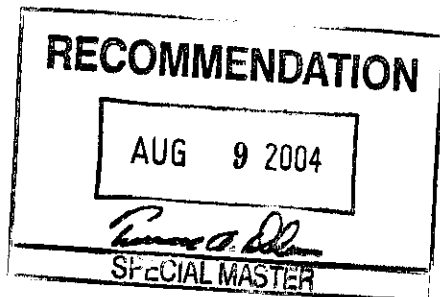
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 70563 BY MAY 1, 2006.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DEPARTMENT TO RESCIND APPROVAL OF THE TRANSFER.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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TWIN FALLS CO., IDAHO
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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): 43-10423

CERTIFICATE OF MAILING

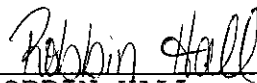
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 09, 2004, with sufficient first-class postage prepaid to the following:

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

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

CAROL J WOODBURY
LYLE D WOODBURY
152 N YALE RD
DECLO, ID 83323
Phone: 208-349-5591

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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08/09/04

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

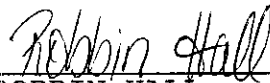
Water Right(s): 43-10423

On August 09, 2004, 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 August 09, 2004.



ROBBIN HALL
Deputy Clerk