

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

2004 SEP 9 PM 3 40

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
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 29-320, 29-321
	)	AND 29-322

I. FINDINGS OF FACT

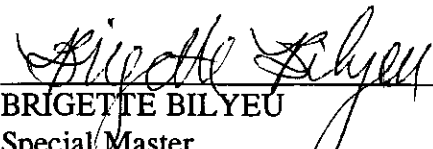
Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

A *Motion to File Amended Notice of Claim* was filed by Bonnie Jenkins, Debbie Treasure, David Mark Treasure, and Elizabeth Vaughan on May 13, 2004. An *Amended Director's Report* was filed on June 25, 2004. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: September 9, 2004.


BRIGETTE BILYEU
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

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TWIN FALLS CO., IDAHO

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In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-00320

2004 SEP 9 PM 3 40

NAME AND ADDRESS: ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON, ID 83250

DEBBIE TREASURE
218 S 100 W
LOGAN, UT 84321

DAVID MARK TREASURE
2615 N 800 E
LOGAN, UT 84321

BONNIE JENKINS
368 S MAIN STREET
MALAD, ID 83252

SOURCE: BIG CREEK TRIBUTARY: BIRCH CREEK
MAPLE CREEK TRIBUTARY: BIRCH CREEK

QUANTITY: 4.78 CFS

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT
EXCEED 1/4 OF THE STREAM FLOW OF BIG CREEK AND MAPLE CREEK AT
THE POINT OF DIVERSION DESCRIBED BELOW AT ANY GIVEN TIME. THIS
WATER RIGHT SHALL NOT PROVIDE MORE THAN .02 CUBIC FEET PER
SECOND PER ACRE AT ANY TIME.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.78 CFS. COMBINED RIGHT NOS.:
29-320, 29-321, 29-322.

PRIORITY DATE: 06/09/1904

POINT OF DIVERSION: T11S R36E S35 NWNWNE Within Bannock County
T12S R36E S02 SWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.78 CFS

PLACE OF USE:	Irrigation	Within Bannock County
	T11S R36E S25	NESW 10.0 NWSW 17.0
		SWSW 14.0 SESW 28.0
		SWSE 30.0 SESE 9.9
	S26	NESE 11.0 NWSE 2.2
		SWSE 18.0 SESE 34.0
	S35	NENE 1.1
	S36	NENE 12.0 NWNE 8.1
	R37E S30 LOT 3	(NWSW) 8.5 LOT 4 (SWSW) 35.0
	238.8 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 238.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

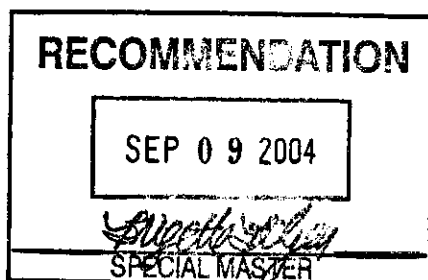
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 29-00320
29-00321 29-00322

On September 09, 2004, Special Master BRIGETTE BILYEU 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 September 09, 2004.



JANET CONNELL
Deputy Clerk

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CERTIFICATE OF MAILING

Water Right(s): 29-00320
29-00321 29-00322

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 September 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:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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09/09/04

BONNIE JENKINS
DAVID MARK TREASURE
DEBBIE TREASURE
ELIZABETH VAUGHAN

Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCATELLO, ID 83204-1391
Phone: 208-232-6101

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



JANET CONNELL
Deputy Clerk