

2004 DEC 7 PM 3 44

**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.: 23-106B and
_____	)	23-10857

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.

No objections were filed for the above listed water rights. These water rights however, are used in combination with water rights 23-50E and 23-104 which were the subject of *Objections*. Those *Objections* were resolved on November 19, 2004. There are no unresolved objections remaining.

II. CONCLUSIONS OF LAW

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: December 7, 2004.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
FILED

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 23-00106B

2004 DEC 7 AM 10 24

NAME AND ADDRESS: CAROL E ASHMENT
THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN, ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.80 CFS

THIS WATER RIGHT IS INOPERATIVE AT TIMES WHEN THE AMOUNT OF
WATER IN PALISADES CREEK IS INSUFFICIENT TO FILL ALL OF THE
VALID WATER RIGHTS ON PALISADES CREEK AS DETERMINED BY
PRIORITIES BEING FILLED ON THE SOUTH FORK SNAKE RIVER.
USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 05/01/1986

POINT OF DIVERSION: T01N R44E S26 SWSWSE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.80 CFS

PLACE OF USE:	Irrigation		Within Bonneville County
	T01N R44E S08	NESW 36.0	NWSW 40.0
		SWSW 32.0	SESW 38.0
		NWSE 26.0	SWSE 25.0
	197.0 Acres Total		

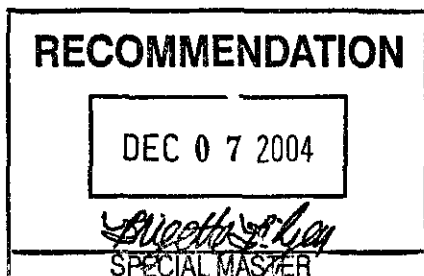
USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 197.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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
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

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 23-10857

FILED

2004 DEC 7 PM 2 08

NAME AND ADDRESS: CAROL E ASHMENT
THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN, ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-00106B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION: T01N R44E S26 SWSWSE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	6.40 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R44E S08	NESW 36.0 SWSW 32.0 NWSE 26.0
		NWSW 40.0 SESW 38.0 SWSE 25.0
	197.0 Acres Total	

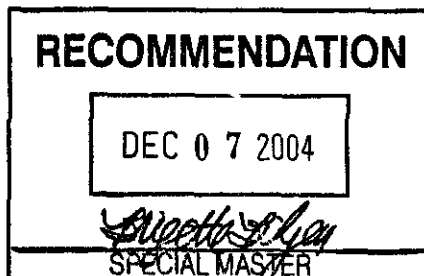
USE OF THIS RIGHT WITH RIGHT NO. 23-00106B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 197.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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
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).

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

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

2004 DEC 7 PM 3 44

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	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right (s) : 23-106B, 23-10857

On December 7, 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 December 7, 2004.



JANET CONNELL
Deputy Clerk

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

2004 DEC 7 PM 3 44

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right (s) : 23-106B, 23-10857

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 7, 2004, with sufficient first-class
postage prepaid to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, Idaho 83720-0098

Carol E & Theron R Ashment
639 Chapel Rd
PO Box 205
Irwin, Idaho 83428


Deputy Clerk