

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

2004 DEC 7 PM 3 49

**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.: 23-12, 23-13A,
_____	)	and 23-11284

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

2004 DEC 7 PM 3 49

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) : 23-12, 23-13A, 23-11284

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 50

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) : 23-12, 23-13A, 23-11284

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

Wade R Fleming
4319 N 55 E
Idaho Falls, Idaho 83401


Deputy Clerk

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

2004 DEC 7 AM 10 23

In Re SRBA

Case No. 39576

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

Water Right 23-00012

NAME AND ADDRESS: WADE R FLEMING
4319 N 55 E
IDAHO FALLS, ID 83401

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 05/20/1989

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	3.20 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R44E S21	SESE 40.0
	S22	SWSW 40.0
	S27	NWNE 0.1
		NWNW 37.0
	S28 LOT 1	(NENE) 37.0
		LOT 4 (SENE) 6.9
	227.0 Acres Total	

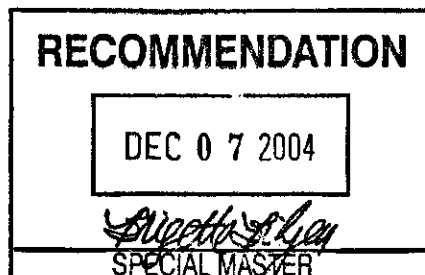
USE OF THIS RIGHT WITH RIGHT NO. 23-00013A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 227.0 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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