

2004 DEC 7 PM 4 15

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     | ) | <b>SPECIAL MASTER'S REPORT AND</b> |
|                | ) | <b>RECOMMENDATION; FINDINGS OF</b> |
| Case No. 39576 | ) | <b>FACT AND CONCLUSIONS OF LAW</b> |
|                | ) |                                    |
|                | ) | <b>WATER RIGHT NOS.: 23-00045,</b> |
|                | ) | <b>23-00091 and 23-11268</b>       |

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**I. FINDINGS OF FACT**

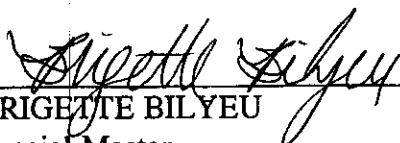
Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

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  
FILED \_\_\_\_\_

2004 DEC 7 PM 4 15

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) : 23-00045, 23-00091, |
|                |   | 23-11268                              |

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 28<sup>th</sup> 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 4 15

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) : 23-00045, 23-00091,  
23-11268

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

Ivan Weeks  
PO Box 28  
Swan Valley, Idaho 83449

  
Deputy Clerk

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

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 23-00045

NAME AND ADDRESS: IVAN WEEKS  
PO BOX 28  
SWAN VALLEY, ID 83449

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 3.20 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-00091 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 3.2 CFS.

PRIORITY DATE: 09/01/1889

POINT OF DIVERSION: T02N R44E S34 NWNWSW Within Bonneville County

| PURPOSE AND<br>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 S04     | SESW 39.0                |
|               | S09               | SWSE 20.0                |
|               |                   | NWNE 40.0                |
|               | 139.0 Acres Total | NENW 40.0                |

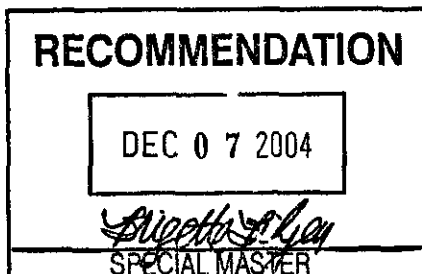
USE OF THIS RIGHT WITH RIGHT NO. 23-00091 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 139.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

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