

2005 FEB 10 PM 2 13

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.: 29-04203,
	)	29-13688 and 29-13689
_____	)	

I. FINDINGS OF FACT

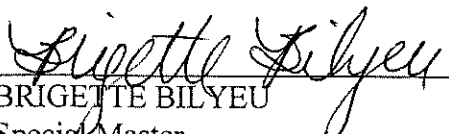
A notice of claim was filed for water right 29-04203 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 29-04203 into assigned split right numbers 29-13688 and 29-13689. All parties to the subcase and IDWR are signatories to the *Standard Form*. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 29-04203 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 29-13688 and 29-13689 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: February 10, 2005.


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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-13688

2005 FEB 10 PM 2 13

NAME AND ADDRESS: HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO, ID 83201-2293

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 2.13 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.80 CFS. COMBINED RIGHT NOS.: 29-04200,
29-04201, 29-04202, 29-11089, 29-13480, 29-13481, 29-13688, AND
29-13689.

USE OF THIS RIGHT WITH RIGHT NO. 29-13689 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.77 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T10S R37E S18 SENW Within Bannock County
SESW
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.10 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Irrigation Within Bannock County
T10S R37E S18 NENW 19.0 LOT 1 (NWNW) 25.0
LOT 4 (SWNW) 25.0 SENW 30.0
NESW 25.0 LOT 5 (NWSW) 14.0
LOT 8 (SWSW) 5.0 SESW 14.0
157.0 Acres Total
Stockwater Within Bannock County
Same as Irrigation

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 290 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-11089
29-13480, 29-13481, 29-13688 AND 29-13689.

USE OF THIS RIGHT WITH RIGHT NO. 29-13689 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 157 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

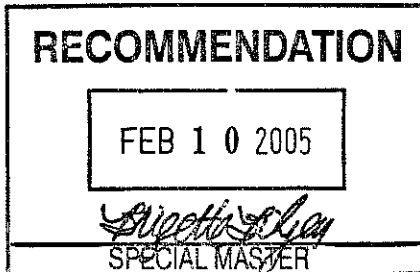
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-13689

2005 FEB 10 PM 2 13

NAME AND ADDRESS: HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO, ID 83201-2293

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.04 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.80 CFS. COMBINED RIGHT NOS.: 29-04200,
29-04201, 29-04202, 29-11089, 29-13480, 29-13481, 29-13688 AND
29-13689.

USE OF THIS RIGHT WITH RIGHT NO. 29-13688 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.77 CFS.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T10S R37E S18 SENW Within Bannock County
SESW
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.04 CFS

PLACE OF USE:	Irrigation	Within Bannock County
	T10S R37E S18	NENW 19.0 LOT 1 (NWNW) 25.0
	LOT 4	(SWNW) 25.0 SENW 30.0
		NESW 25.0 LOT 5 (NWSW) 14.0
	LOT 8	(SWSW) 5.0 SESW 14.0
	157.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 290 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-11089,
29-13480, 29-13481, 29-13688 AND 29-13689.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 52 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

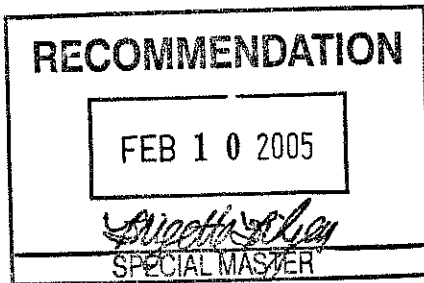
USE OF THIS RIGHT WITH RIGHT NO. 29-13688 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 157 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

2005 FEB 10 PM 2 13

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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

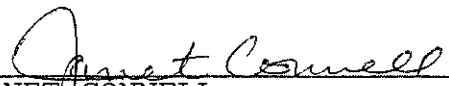
Water Right(s): 29-04203
29-13688 29-13689

On February 10, 2005, 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 February 10, 2005.



JANET CONNELL
Deputy Clerk

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

2005 FEB 10 PM 2 13

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

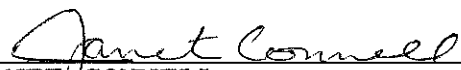
Water Right(s): 29-04203
29-13688 29-13689

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 February 10, 2005, with sufficient first-class postage prepaid to the following:

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

ALICE H DUNN
HENDERSON RANCHES INC
Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCATELLO, ID 83204-1391
Phone: 208-232-6101



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/10/05