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JUL 28 2005

Department of Water Resources
Adjudication Bureau

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

2005 JUL 27 PM 3 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

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW
)

) WATER RIGHT NOS.: 29-00046,
) 29-12078, and 29-12079
)

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 objection was filed for water rights 29-00046, 29-12078, and 29-12079. However, these water rights are used in combination with water right 29-13363 which was the subject of an *Objection*. The *Objection* was resolved on April 22, 2005 with the filing of the *Portneuf River Settlement Agreement*.

III. 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: July 27, 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

In Re SRBA)
Case No. 39576)

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

Water Right 29-00046

FILED

2005 JUL 27 PM 3 13

NAME AND ADDRESS: INDIAN FALLS PROPERTY ASSN
C/O EARL MAPES
1061 SAGEWOOD PLACE
POCATELLO, ID 83201

INDIAN FALLS WATER USERS ASSOC
PHIL HUDGENS PRESIDENT
PO BOX 134
LAVA HOT SPRINGS, ID 83246

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-00046, 29-12078,
29-12079, AND 29-13363 SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 07/14/1902

POINT OF DIVERSION: T09S R38E S04 LOT 4 (SWSENW) Within Bannock County
LOT 10 (SESESW)
LOT 6 (SESESW)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 09-15 0.40 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Bannock County
T09S R38E S04 LOT 5 (NESW) 35.0 LOT 10 (SESW) 28.0
NWSE 1.0 SWSE 7.6
S09 NENE 0.1 LOT 1 (NWNE) 25.0
LOT 4 (NWNE) 11.0 LOT 5 (SWNE) 5.3
NENW 28.0 SENW 3.0
144.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 144.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00046, 29-12078,
29-12079, AND 29-13363.

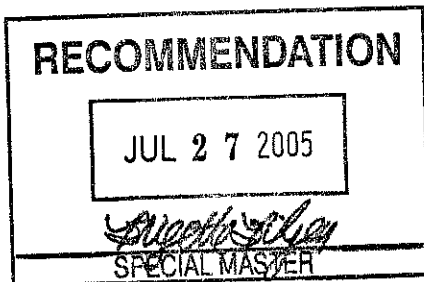
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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 29-12078

2005 JUL 27 PM 3 13

NAME AND ADDRESS: INDIAN FALLS PROPERTY ASSN
C/O EARL MAPES
1061 SAGEWOOD PLACE
POCATELLO, ID 83201

INDIAN FALLS WATER USERS ASSOC
PHIL HUDGENS PRESIDENT
PO BOX 134
LAVA HOT SPRINGS, ID 83246

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.20 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-00046, 29-12078,
29-12079, AND 29-13363 SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION: T09S R38E S04 LOT 4 (SWSENW) Within Bannock County
LOT 10 (SESESW)
LOT 6 (SESESW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	1.20 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Bannock County
	T09S R38E S04 LOT 5 (NESW) 35.0	LOT 10 (SESW) 28.0
		NWSE 1.0 SWSE 7.6
	S09 NENE 0.1	LOT 1 (NWNE) 25.0
	LOT 4 (NWNE) 11.0	LOT 5 (SWNE) 5.3
		NENW 28.0 SENW 3.0
	144.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 144.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00046, 29-12078,
29-12079, AND 29-13363.

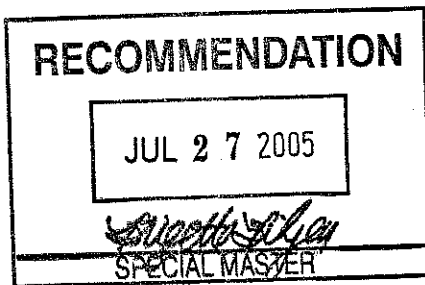
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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
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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

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-12079

NAME AND ADDRESS: INDIAN FALLS PROPERTY ASSN
C/O EARL MAPES
1061 SAGEWOOD PLACE
POCATELLO, ID 83201

INDIAN FALLS WATER USERS ASSOC
PHIL HUDGENS PRESIDENT
PO BOX 134
LAVA HOT SPRINGS, ID 83246

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.88 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-00046, 29-12078,
29-12079, AND 29-13363 SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 07/01/1889

POINT OF DIVERSION: T09S R38E S04 LOT 4 (SWSE) Within Bannock County
LOT 10 (SESESW)
LOT 6 (SESESW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	2.88 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Bannock County
	T09S R38E S04 LOT 5 (NESW) 35.0	LOT 10 (SESW) 28.0
	NWSE 1.0	SWSE 7.6
	S09 NENE 0.1	LOT 1 (NWNE) 25.0
	LOT 4 (NWNE) 11.0	LOT 5 (SWNE) 5.3
	NENW 28.0	SENW 3.0
	144.0 Acres Total	

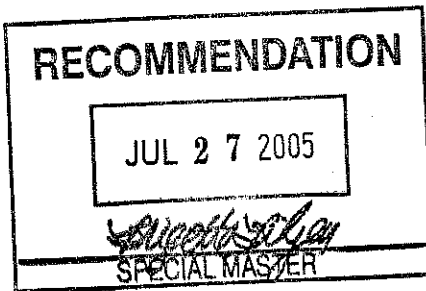
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 144.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00046, 29-12078,
29-12079, AND 29-13363.

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 JUL 27 PM 3 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

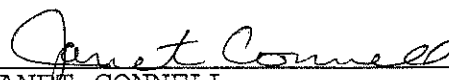
Water Right(s): 29-00046
29-12078 29-12079

On July 27, 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 July 27, 2005.



JANET CONNELL
Deputy Clerk

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

2005 JUL 27 PM 3 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 29-00046
29-12078 29-12079

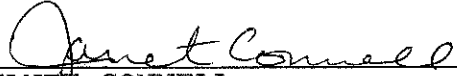
CERTIFICATE OF MAILING

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 July 27, 2005, with sufficient first-class postage prepaid to the following:

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

INDIAN FALLS PROPERTY ASSN
C/O EARL MAPES
1061 SAGEWOOD PLACE
POCATELLO, ID 83201
Phone: 208-233-1713

INDIAN FALLS WATER USERS ASSOC
PHIL HUDGENS PRESIDENT
PO BOX 134
LAVA HOT SPRINGS, ID 83246
Phone: 208-254-3062



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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