

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 2 2005	
By _____	Clerk
	Deputy Clerk

**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.: 29-13511,
	)	29-13513, 29-13515, 29-13517, AND
	)	29-13519

I. FINDINGS OF FACT

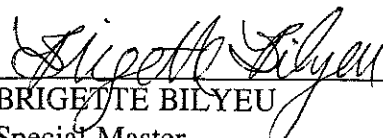
Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

No objections were filed for water rights 29-13511, 29-13513, 29-13515, 29-13517, and 29-13519. However, these water rights are used in combination with water right 29-13521 which was the subject of an *Objection*. The *Objection* was resolved on April 22, 2005 with the filing of the *Portneuf River Settlement Agreement*. In addition, a quantity remark that was inadvertently omitted from the *Director's Report* was included in the quantity element. *See, Idaho Department of Water Resources Letter* (June 14, 2004)

III. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: August 2, 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
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 2 2005

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-13511

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: EVELEE HILL RUSH
PO BOX 129
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.015 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.156 CFS. COMBINED RIGHT NOS.:

29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13521.
THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-13511, 29-13550, 29-13551, 29-13611, 29-13612, 29-13613,
29-13614, 29-13615 AND 29-13616, EACH SHARING PRIORITY DATE
6/20/1902, CANNOT EXCEED 0.56 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-214B,
29-13519, 29-13547, 29-13548, 29-13605, 29-13606, 29-13607,
29-13608, 29-13609, 29-13610, EACH SHARING PRIORITY DATE 7/1/1902
CANNOT EXCEED 0.60 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-215B,
29-13515, 29-13544, 29-13545, 29-13599, 29-13600, 29-13601,
29-13602, 29-13603, 29-13604, EACH SHARING PRIORITY DATE
5/1/1903, CANNOT EXCEED 0.68 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10774B,
29-13517, 29-13541, 29-13542, 29-13593, 29-13594, 29-13595,
29-13596, 29-13597, AND 29-13598 EACH SHARING PRIORITY DATE
7/1/1909, CANNOT EXCEED 0.942 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10776B,
29-13519, 29-13538, 29-13539, 29-13587, 29-13588, 29-13589,
29-13590, 29-13591, 29-13592, EACH SHARING PRIORITY DATE 7/1/1917
CANNOT EXCEED 0.76 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511,
29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539,
29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548,
29-13550, 29-13551, 29-13553, 29-13554, 29-13587, 29-13588,
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,
29-13595, 29-13596, 29-13597, 29-13598, 29-13599, 29-13600,
29-13601, 29-13602, 29-13603, 29-13604, 29-13605, 29-13606,
29-13607, 29-13608, 29-13609, 29-13610, 29-13611, 29-13612,
29-13613, 29-13614, 29-13615, 29-13616, 29-13617, 29-13618,
29-13619, 29-13620, 29-13621, 29-13622, SHALL NOT EXCEED 3.542
CFS.

PRIORITY DATE: 06/20/1902

POINT OF DIVERSION: T09S R37E S15 SENENW Within Bannock County
SESENW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.015 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

RECOMMENDATION

AUG 0 2 2005

Michael J. Allen
MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Bannock County
 T09S R37E S22 NENE 7.8
 7.8 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 7.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13511, 29-13513,
29-13515, 29-13517, 29-13519, 29-13521.

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
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 2 2005

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-13513

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: EVELEE HILL RUSH
PO BOX 129
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.016 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.156 CFS. COMBINED RIGHT NOS.:
29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13521.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-214B,
29-13513, 29-13547, 29-13548, 29-13605, 29-13606, 29-13607,
29-13608, 29-13609, 29-13610, EACH SHARING PRIORITY DATE 7/1/1902
CANNOT EXCEED 0.60 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-215B,
29-13515, 29-13544, 29-13545, 29-13599, 29-13600, 29-13601,
29-13602, 29-13603, 29-13604, EACH SHARING PRIORITY DATE
5/1/1903, CANNOT EXCEED 0.68 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10774B,
29-13517, 29-13541, 29-13542, 29-13593, 29-13594, 29-13595,
29-13596, 29-13597, AND 29-13598 EACH SHARING PRIORITY DATE
7/1/1909, CANNOT EXCEED 0.942 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10776B,
29-13519, 29-13538, 29-13539, 29-13587, 29-13588, 29-13589,
29-13590, 29-13591, 29-13592, EACH SHARING PRIORITY DATE 7/1/1917
CANNOT EXCEED 0.76 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511,
29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539,
29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548,
29-13550, 29-13551, 29-13553, 29-13554, 29-13587, 29-13588,
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,
29-13595, 29-13596, 29-13597, 29-13598, 29-13599, 29-13600,
29-13601, 29-13602, 29-13603, 29-13604, 29-13605, 29-13606,
29-13607, 29-13608, 29-13609, 29-13610, 29-13611, 29-13612,
29-13613, 29-13614, 29-13615, 29-13616, 29-13617, 29-13618,
29-13619, 29-13620, 29-13621, 29-13622, SHALL NOT EXCEED 3.542
CFS.

PRIORITY DATE: 07/01/1902

POINT OF DIVERSION: T09S R37E S15 SENENW Within Bannock County
SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.016 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

RECOMMENDATION

AUG 02 2005

[Signature]
SPECIAL MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

T09S R37E S22 NENE 7.8
7.8 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 7.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13511, 29-13513,
29-13515, 29-13517, 29-13519, 29-13521.

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
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 2 2005

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-13515

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: EVELEE HILL RUSH
ROBERT E RUSH
PO BOX 129
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.017 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.156 CFS. COMBINED RIGHT NOS.:
29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13521.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-215B,
29-13515, 29-13544, 29-13545, 29-13599, 29-13600, 29-13601,
29-13602, 29-13603, 29-13604, EACH SHARING PRIORITY DATE
5/1/1903, CANNOT EXCEED 0.68 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10774B,
29-13517, 29-13541, 29-13542, 29-13593, 29-13594, 29-13595,
29-13596, 29-13597, AND 29-13598 EACH SHARING PRIORITY DATE
7/1/1909, CANNOT EXCEED 0.942 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10776B,
29-13519, 29-13538, 29-13539, 29-13587, 29-13588, 29-13589,
29-13590, 29-13591, 29-13592, EACH SHARING PRIORITY DATE 7/1/1917
CANNOT EXCEED 0.76 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511,
29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539,
29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548,
29-13550, 29-13551, 29-13553, 29-13554, 29-13587, 29-13588,
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,
29-13595, 29-13596, 29-13597, 29-13598, 29-13599, 29-13600,
29-13601, 29-13602, 29-13603, 29-13604, 29-13605, 29-13606,
29-13607, 29-13608, 29-13609, 29-13610, 29-13611, 29-13612,
29-13613, 29-13614, 29-13615, 29-13616, 29-13617, 29-13618,
29-13619, 29-13620, 29-13621, 29-13622, SHALL NOT EXCEED 3.542
CFS.

PRIORITY DATE: 05/01/1903

POINT OF DIVERSION: T09S R37E S15 SENENW Within Bannock County
SESENW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 09-15 0.017 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 R37E S22 NENE 7.8
7.8 Acres Total

RECOMMENDATION

AUG 02 2005

Michael J. [Signature]
SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 29-13515 File Number: 00400

Mar-08-2005

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 7.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13511, 29-13513,
29-13515, 29-13517, 29-13519, 29-13521.

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 Fifth Judicial District County of Twin Falls - State of Idaho
AUG - 2 2005
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-13517

NAME AND ADDRESS: EVELEE HILL RUSH
ROBERT E RUSH
PO BOX 129
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.024 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.156 CFS. COMBINED RIGHT NOS.:
29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13521.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10774B,
29-13517, 29-13541, 29-13542, 29-13593, 29-13594, 29-13595,
29-13596, 29-13597, AND 29-13598 EACH SHARING PRIORITY DATE
7/1/1909, CANNOT EXCEED 0.942 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10776B,
29-13519, 29-13538, 29-13539, 29-13587, 29-13588, 29-13589,
29-13590, 29-13591, 29-13592, EACH SHARING PRIORITY DATE 7/1/1917
CANNOT EXCEED 0.76 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511,
29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539,
29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548,
29-13550, 29-13551, 29-13553, 29-13554, 29-13587, 29-13588,
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,
29-13595, 29-13596, 29-13597, 29-13598, 29-13599, 29-13600,
29-13601, 29-13602, 29-13603, 29-13604, 29-13605, 29-13606,
29-13607, 29-13608, 29-13609, 29-13610, 29-13611, 29-13612,
29-13613, 29-13614, 29-13615, 29-13616, 29-13617, 29-13618,
29-13619, 29-13620, 29-13621, 29-13622, SHALL NOT EXCEED 3.542
CFS.

PRIORITY DATE: 07/01/1909

POINT OF DIVERSION: T09S R37E S15 SENENW Within Bannock County
SESENW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.024 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 R37E S22 NENE 7.6
7.8 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 7.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13511, 29-13513,
29-13515, 29-13517, 29-13519, 29-13521.

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 29-13517 File Number: 00400

RECOMMENDATION
AUG 02 2005
<i>[Signature]</i> SPECIAL MASTER

Mar-08-2005

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
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 2 2005

By _____ Clerk
Deputy Clerk

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 29-13519

NAME AND ADDRESS: EVELEE HILL RUSH
ROBERT E RUSH
PO BOX 129
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.019 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.156 CFS. COMBINED RIGHT NOS.:
29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13521.
THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-10776B,
29-13519, 29-13538, 29-13539, 29-13587, 29-13588, 29-13589,
29-13590, 29-13591, 29-13592, EACH SHARING PRIORITY DATE 7/1/1917
CANNOT EXCEED 0.76 CFS.

THE COMBINED DIVERSION RATE OF WATER RIGHT NOS. 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13511,
29-13513, 29-13515, 29-13517, 29-13519, 29-13538, 29-13539,
29-13541, 29-13542, 29-13544, 29-13545, 29-13547, 29-13548,
29-13550, 29-13551, 29-13553, 29-13554, 29-13587, 29-13588,
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,
29-13595, 29-13596, 29-13597, 29-13598, 29-13599, 29-13600,
29-13601, 29-13602, 29-13603, 29-13604, 29-13605, 29-13606,
29-13607, 29-13608, 29-13609, 29-13610, 29-13611, 29-13612,
29-13613, 29-13614, 29-13615, 29-13616, 29-13617, 29-13618,
29-13619, 29-13620, 29-13621, 29-13622, SHALL NOT EXCEED 3.542
CFS.

PRIORITY DATE: 07/01/1917

POINT OF DIVERSION: T09S R37E S15 SENENW Within Bannock County
SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.019 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 R37E S22 NENE 7.8
7.8 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 7.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13511, 29-13513,
29-13515, 29-13517, 29-13519, 29-13521.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 29-13519 File Number: 00400

RECOMMENDATION

AUG 02 2005

[Signature]
SPECIAL MASTER
PAGE 1
Mar-08-2005

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 2 2005	
By _____	Clerk Deputy Clerk

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) : 29-13511
29-13513 29-13515 29-13517
29-13519

On August 02, 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.

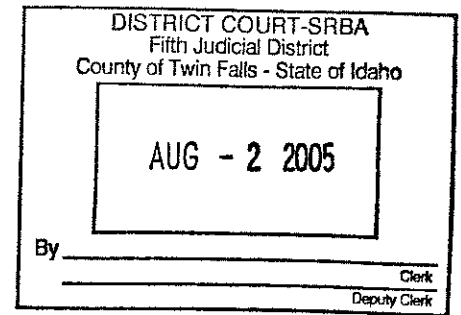
Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

- DATED August 02, 2005.



JANET CONNELL
Deputy Clerk





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

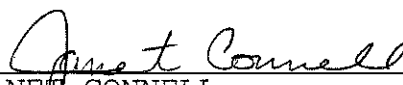
Water Right(s): 29-13511
29-13513 29-13515 29-13517
29-13519

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 August 03, 2005, with sufficient first-class postage prepaid to the following:

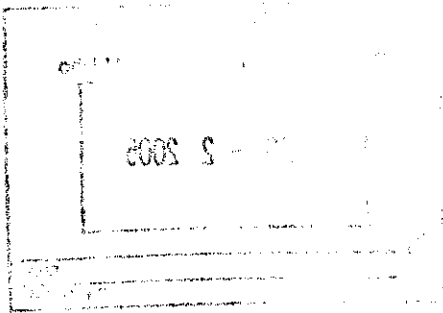
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EVELEE HILL RUSH
ROBERT E RUSH
Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/02/05



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

