

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

2005 NOV 29 AM 11 27

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	)	Subcase 45-13757
	)	(Searle)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

On June 23, 2005, SRBA Presiding Judge John M. Melanson entered an *Order Granting Motion to File Late Notice of Claim* allowing Paul Searle's late claim to .16 cfs from groundwater to irrigate 9.7 acres within a 249.7 acre place of use in Cassia County from March 15 to November 15 with a priority date of March 15, 1955, based on beneficial use.

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claim, Subcase No. 45-13757* on August 5, 2005. The Director recommended the claim as filed to Gale Searle, c/o Duane Searle, 237 East, 600 South, Burley, Idaho, 83318, and Paul M. Searle, 175 East, 600 South, Burley, Idaho, 83318. No one objected to the Director's recommendation.

Conclusions of Law

The Searles are entitled to a partial decree adjudicating a water right as recommended by the Director and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 45-13757*.

DATED November 29, 2005.



TERRENCE A. DOLAN
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

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In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-13757

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NAME AND ADDRESS: GALE SEARLE
C/O DUANE SEARLE
237 E 600 S
BURLEY, ID 83318

PAUL SEARLE
175 E 600 S
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.16 CFS
38.80 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 4.0 CFS. COMBINED RIGHT NOS.: 45-2427 & 45-13757.

PRIORITY DATE: 03/15/1955

POINT OF DIVERSION: T11S R23E S28 SWSNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.16 CFS 38.80 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T11S R23E S28	NENE 1.7	NWNE 16.0
		SWNE 40.0	SENE 38.0
		NENW 34.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
	249.7 Acres Total		

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 249.7 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2427 & 45-13757.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9.7 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.

RECOMMENDATION

NOV 29 2005

James A. Dill

SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 45-13757

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 November 29, 2005, with sufficient first-class postage prepaid to the following:

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

GALE SEARLE
C/O DUANE SEARLE
237 E 600 S
BURLEY, ID 83318

PAUL SEARLE
175 E 600 S
BURLEY, ID 83318
Phone: 208-678-5060



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

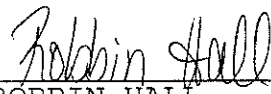
Water Right(s): 45-13757

On November 29, 2005, Special Master TERRENCE A. DOLAN 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 November 29, 2005.



ROBBIN HALL
Deputy Clerk