

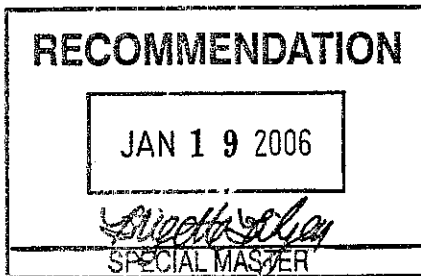
2006 JAN 19 AM 11 33  
DISTRICT OF THE

**Abstract**

2006 JAN 19 AM 11 33

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.



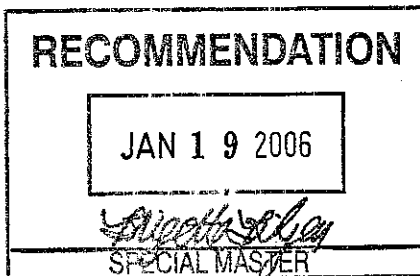
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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

2006 JAN 19 AM 11 33

RULE 54(b) CERTIFICATE

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QUANTITY: 0 60 CFS

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Jan-10-2006

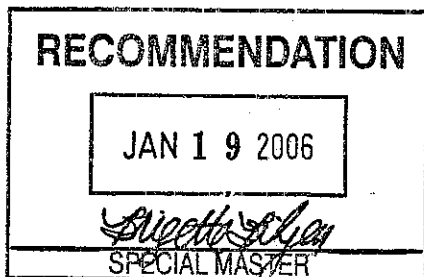
OTHER PROVISIONS (continued)

Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin p 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995) In times of shortage this water right and other water rights decreed in United States v Daniels shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-12049 and 29-12848.

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

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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

2006 JAN 19 AM 11 33

In Re SRBA )  
Case No 39576 )  
PARIIAL DECREE PURSUANI TO  
I R C P 54(b) FOR  
Water Right 29-13215

NAME AND ADDRESS: RUSSELL J HAYDEN  
PO BOX 598  
SODA SPRINGS ID 83276-0598

HANS HAYDEN  
INAIN HAYDEN  
3747 MID CRYSTAL RD  
ARBON ID 83212

SOURCE: RAILLENSNAKE CREEK IRRIGUARY: BANNOCK CREEK

QUANTITY: 0.80 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 2.40 CFS COMBINED RIGHT NOS : 29-480  
29-13215, 29-13522, 29-2509 AND 29-7272

PRIORITY DATE: 10/01/1903

POINT OF DIVERSION: I09S R34E S08 NESW Within Power County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.80 CFS |

| PLACE OF USE: | Irrigation        | Within Power County |
|---------------|-------------------|---------------------|
|               | I09S R34E S08     |                     |
|               | SWNW 5.4          | NESW 28.0           |
|               | NWSW 36.0         | SESW 39.0           |
|               | NWSE 1.9          | SWSE 10.0           |
|               | 120.3 Acres Total |                     |

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON  
COMBINED RIGHT NOS : 29-480, 29-13215, 29-13522, 29-2509 AND  
29-7272

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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 water right will be delivered in accordance with the 1990  
Fort Hall Indian Water Rights Agreement and Partial Final  
Consent Decree Determining the Rights of the Shoshone-Bannock  
Tribes to the Use of Water in the Upper Snake River Basin. The  
parties agreed to continue the historic water allocations  
pursuant to the Bannock Creek Decree [the decree in United  
States v Daniels, (D Idaho April 9, 1907, unpublished)].  
Directors Report for the 1990 Fort Hall Indian Water Rights  
Agreement p. 8 para. 4. The Tribes and the United States  
shall exercise this right in a manner that ensures persons with  
water rights decreed in the Bannock Creek Decree [United States  
v Daniels (D. Idaho April 9, 1907)] and that are confirmed in  
the SRBA continue to receive their full legal entitlement.  
Partial Final Consent Decree Determining the Rights of the  
Shoshone-Bannock Tribes to the Use of Water in the Upper Snake  
River Basin. p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049  
respectively (August 2, 1995). In times of shortage this water  
right and other water rights decreed in United States v. Daniels

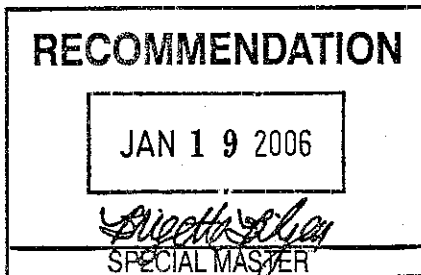
OTHER PROVISIONS (continued)

shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-12049 and 29-12848.

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 \_\_\_\_\_

2006 JAN 19 AM 11 32

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) : 29-00476,  
29-00477, 29-00480, and  
29-13215

On January 19, 2006, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO CORRECT CLERICAL ERRORS PURSUANT TO RULE 60(a) 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: January 19, 2006.

  
JANET CONNELL  
Deputy Clerk

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2006 JAN 19 AM 11 33

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) : 29-00476, 29-00477,  
29-00480, and 29-13215

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT  
AND RECOMMENDATION ON MOTION TO CORRECT CLERICAL ERRORS  
PURSUANT TO RULE 60(a) was mailed on January 19, 2006, with sufficient first-  
class postage prepaid to the following:

Director of IDWR  
PO Box 83720  
Boise, Idaho 83720-0098

Janet Hayball  
PO Box 725  
Fort Hall, Idaho 83204-1391

Shoshone Bannock Tribes  
Represented by:  
Jeanette Wolfley  
Special Counsel  
202 N Arthur  
Pocatello, Idaho 83202

Glen Bolingbroke  
Hans Hayden  
Russell J Hayden  
Twain Hayden  
Represented by:  
Randall C budge  
201 E Center, Ste A2  
Po Box 1391  
Pocatello, Idaho 83204-1391

  
Deputy Clerk