

2006 FEB 16 PM 12 10

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 85-15326
	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water right 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 or abstract for the elements of this water right.

On April 13, 2005, an objection was filed by Don A. Kerby, Vice President of Cherry Lane Ranches, Inc. On October 12, 2005, Mr. Kerby filed a *Standard Form 4, Motion to File Amended Notice of Claim*, said motion having been granted by order dated November 9, 2005. On December 22, 2005, the IDWR filed an *Amended Director's Report*. No objections were filed to the *Amended Director's Report*, and the time to do so has expired.

II. CONCLUSIONS OF LAW

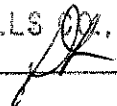
Therefore based on the file and record herein, IT IS RECOMMENDED that water right 85-15326 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated February 16, 2006.



THEODORE R BOOTH
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 

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 85-15326

NAME AND ADDRESS: CHERRYLANE RANCHES INC
19022 KERBY LN
LENORE, ID 83541

SOURCE: GROUND WATER
SPRING TRIBUTARY: SINKS

QUANTITY: 0.49 CFS

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION: T37N R03W S35 SESENW Within Nez Perce County
NENW
NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 10-31	0.40 CFS
	Stockwater	01-01 TO 12-31	0.07 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Nez Perce County
T37N R03W S26 LOT 5 (SESW) 6.2 LOT 6 (SWSE) 2.6
S35 NENW 3.4
12.2 Acres Total

Stockwater Within Nez Perce County
T37N R03W S26 LOT 5 (SESW) LOT 6 (SWSE)
S35 NENW

Domestic Within Nez Perce County
T37N R03W S26 LOT 5 (SESW)
S35 NENW

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

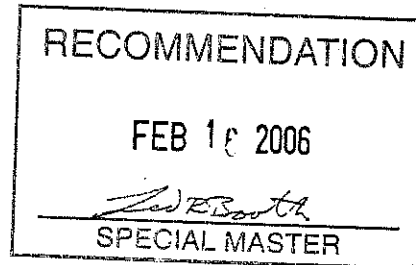
The quantity of water decreed for this water right for domestic
use and stockwater use is not a determination of historical
beneficial use.

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



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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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): 85-15326

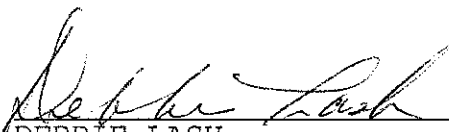
CERTIFICATE OF MAILING

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 16, 2006, with sufficient first-class postage prepaid to the following:

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

CHERRYLANE RANCHES INC
19022 KERBY LN
LENORE, ID 83541
Phone: 208-276-3342

DON A KERBY
19315 KERBY LANE
LENORE, ID 83541
Phone: 208-746-9891


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)
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Water Right(s) : 85-15326


DEBBIE LASH
Deputy Clerk