

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-02943K

NAME AND ADDRESS: D JOHN CAREY
TERESA CAREY
C/O STEVEN J MILLEMANN ATTY
PO BOX 1066
MC CALL, ID 83638

SOURCE: JUG CREEK TRIBUTARY: LOUIE CREEK

QUANTITY: 106.90 AFY

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION: T17N R04E S05 LOT 3 (NENW) Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-15 TO 10-15	106.90 AFY
	Irrigation Storage	01-01 TO 12-31	106.90 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
	T17N R03E S01	NWSW 40.0 SWSW 40.0
		SESW 40.0 SWSE 40.0
	S12	NENE 40.0
	200.0 Acres Total	

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 65-02967E, 65-02934C.

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

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
EVENT OF INJURY.

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

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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DEPARTMENT OF
WATER RESOURCES

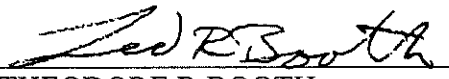
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases: 91-65; 65-2513, 65-2916,
	)	65-2934C, 65-2943J, 65-2943K,
	)	65-2943P and 65-5678
Case No. 39576	)	
	)	SPECIAL MASTER'S
	)	RECOMMENDATION RE: MOTION
	)	TO AMEND PARTIAL DECREE
_____	)	

On March 23, 2006, the claimants of the above-captioned water rights, by and through their attorney of record Brian L McMahan, filed a *Motion to Amend Partial Decrees*. The *Motion* is based upon the telephonic status conference held on March 7, 2006, and the ***Order Designating Subcase Number; Order setting Deadlines; Order Regarding Additional Investigation by IDWR; Order Setting Status Conference*** issued subsequent thereto on March 17, 2006.

Based upon the contents of the *Motion* and upon the court's files and record herein, and good cause appearing, it is RECOMMENDED that the *Motion* be granted and Amended Partial Decrees be issued for water rights 65-2513, 65-2916, 65-2934C, 65-2943J, 65-2943K, 65-2943P and 65-5678 as set forth in the attached recommendations for Amended Partial Decrees pursuant to I.R.C.P. 54(b).¹

Dated March 27, 2006.


THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

¹ It will also be the recommendation of this Special Master that the above listed water rights be added to the list of water right under Basin 65 General Provision No. 3.

CERTIFICATE OF MAILING

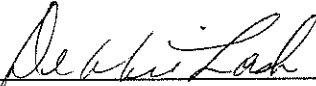
I certify that a true and correct copy of the **SPECIAL MASTER'S RECOMMENDATION RE: MOTION TO AMEND PARTIAL DECREE** was mailed March 27, 2006, with sufficient first class mail to the following:

IDWR
P O Box 83720
Boise, Idaho 83720-0098

State of Idaho
Office of the Attorney General
P O Box 444449
Boise Idaho 83711-4449

United State Department of Justice
550 West Fort Street, MSC 033
Boise Idaho 83724

Brian McMahan
P O Box 1066
McCall, Idaho 83638



Deputy Clerk