

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

2006 AUG 14 AM 10:57

In Re SRBA)
Case No. 19576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-15666

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *AK*

RECEIVED

AUG 16 2006

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: DALLAS R HOWARD
6475 GOLDFINCH LANE
LEWISTON, ID 83501

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The Quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 12/31/1914

POINT OF DIVERSION: T35N R05W S09 NENE Within Nez Perce County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic		01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Nez Perce County
T35N R05W S09 NENE

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

The quantity of water decreed for this water right 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

RECOMMENDATION

AUG 14 2006

John B. Smith
SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

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TWIN FALLS CO. IDAHO
FILED

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 85-11103, 85-
) 15655, 85-15656, 85-15657, 85-15658, 85-
) 15659, 85-15660, 85-15661, 85-15662, 85-
) 15663, 85-15664, 85-15665, 85-15666, 85-
) 15667, 85-15668, 85-15669, 85-15670, and
) 85-15671

I. FINDINGS OF FACT

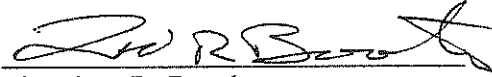
A notice of claim was filed for water right 85-11103 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On May 6, 2006, the claimant of the water right, Dallas R. Howard, by and through his attorney of record James W. Givens, filed an objection to the *Director's Report*. Through the course of the proceedings, the claimant and IDWR determined that water right claim 85-11103 should be split into eighteen (18) separate claims. On June 30, 2006, IDWR filed an *Amended Director's Report* for water right 85-11103, and *Director's Reports* in the seventeen (17) claims split therefrom. The *Director's Reports* were listed on the Court's monthly docket sheet, and an objection deadline was set. No objections have been filed to the *Director's Reports*, and the time for filing of objections has expired.

II. CONCLUSIONS OF LAW

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

Dated August 14, 2006

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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): 85-11103

(SEE ATTACHED EXHIBIT A)

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 14, 2006, with sufficient first-class postage prepaid to the following:

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

DALLAS R HOWARD

Represented by:

JAMES W GIVENS

BOX 875

LEWISTON, ID 83501

Phone: 208-746-2374

DALLAS R HOWARD

6475 GOLDFINCH LANE

LEWISTON, ID 83501

[Signature of Debbie Lash]

DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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DEPARTMENT OF
WATER RESOURCES

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TWIN FALLS CO., IDAHO

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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

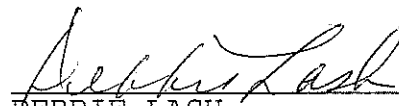
Water Right(s): 85-11103
(SEE ATTACHED EXHIBIT A)

On August 14, 2006, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (A01), 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 14, 2006.


DEBBIE LASH
Deputy Clerk