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DEPARTMENT OF  
WATER RESOURCES

2006 OCT 31 PM 3: 27

DISTRICT COURT-SRBA  
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     | ) | SPECIAL MASTER'S REPORT AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
|                | ) |                             |
|                | ) | FOR WATER RIGHT: 27-07261   |
| _____          | ) |                             |

**I. FINDINGS OF FACT**

A notice of claim was filed for this 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 for the elements of this water right.

An *Objection* was filed by Ray Tominaga on February 1, 2006. The *Objection* was resolved on August 14, 2006 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

**II. CONCLUSIONS OF LAW**

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 31, 2006.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 27-07261

NAME AND ADDRESS: RAY TOMINAGA  
515 W 73 S  
BLACKFOOT, ID 83221

JOANN TOMINAGA  
RICHARD TOMINAGA  
702 W 100 N  
BLACKFOOT, ID 83221

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS  
238.00 AFY

RIGHT NOS. 27-7261 AND 27-10151 ARE LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 1.32 CFS.

PRIORITY DATE: 03/10/1981

POINT OF DIVERSION: T02S R37E S06 SWNWSE Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 11-01 | 1.32 CFS<br>238.00 AFY |

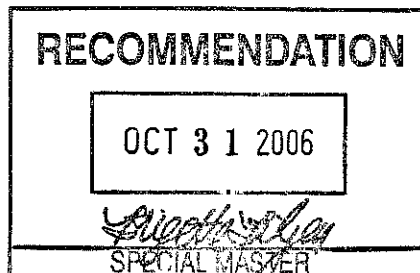
| PLACE OF USE: | Irrigation       | Within Bingham County |
|---------------|------------------|-----------------------|
|               | T02S R37E S06    |                       |
|               | SWNE 4.6         | SENE 1.4              |
|               | NESW 32.0        | SESW 14.0             |
|               | NWSE 23.0        |                       |
|               | 75.0 Acres Total |                       |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68.0 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 27-10151 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 75 ACRES 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.

---

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

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TWIN FALLS CO., IDAHO  
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA  
Case No. 39576  
\_\_\_\_\_NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 27-07261

On October 31, 2006, Special Master BRIGETTE BILYEU 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 October 31, 2006.

  
JANET CONNELL  
Deputy Clerk

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In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 27-07261

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 October 31, 2006, with sufficient first-class postage prepaid to the following:

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

RAY TOMINAGA  
515 W 73 S  
BLACKFOOT, ID 83221  
Phone: 208-861-2017

JOANN TOMINAGA  
RICHARD TOMINAGA  
702 W 100 N  
BLACKFOOT, ID 83221  
Phone: 208-684-4068

CERTIFICATE OF MAILING

 PAGE 1  
JANET CONNELL 10/31/06  
Deputy Clerk