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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-31247, 63-
) 31585, 63-31586, and 63-32082

I. FINDINGS OF FACT

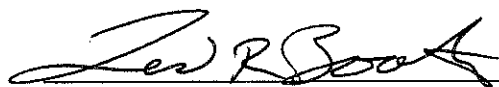
A notice of claim was filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On March 24, 2006, each of the claimants of the water rights, Dale M. Frazell and Kathleen Keys, filed objections to the *Director's Report* for water right 63-31247. Water right claims 63-32082, 63-31585, and 63-31586 were identified by IDWR as unobjected claims which may be affected by the outcome of the contested matter. I.C. § 42-1412(7). On December 1, 2006, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred in the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-31247, 63-31585, 63-31586, and 63-32082 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated December 18, 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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-31247

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714

SOURCE: SPRING TRIBUTARY: MC FARLAND CREEK

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31585, 63-31586 & 63-32082
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS AND TO
A TOTAL STORED VOLUME OF 0.4 AF PER ANNUM.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION: T05N R02E S29 SESWNW Within Ada County
SESWNW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.12 CFS
	Irrigation from Storage	03-01 TO 11-15	0.40 AFY
	Stockwater	01-01 TO 12-31	0.03 CFS
	Stockwater from Storage	01-01 TO 12-31	0.40 AFY
	Irrigation Storage	03-01 TO 11-15	0.40 CFS
	Stockwater Storage	01-01 TO 12-31	0.40 CFS

PLACE OF USE:			
	Irrigation		Within Ada County
	T05N R02E S29	SWNW 5.1	SENW 1.2
		NESW 0.7	NWSW 3.1
	S30	NESE 0.9	
	11.0 Acres Total		

Irrigation from Storage	Within Ada County
Same as Irrigation	

Stockwater	Within Ada County
Same as Irrigation	

Stockwater from Storage	Within Ada County
Same as Irrigation	

USE OF THIS RIGHT WITH RIGHT NO. 63-31585 AND 63-32082 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

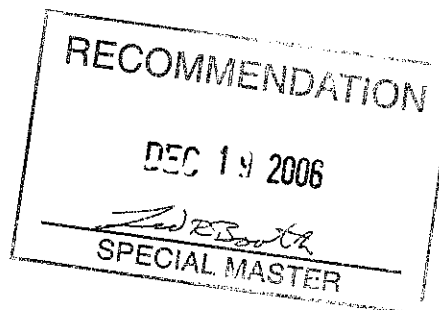
OTHER PROVISIONS (continued)

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



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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-32082

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714

SOURCE: SPRING TRIBUTARY: MC FARLAND CREEK

QUANTITY: 0.14 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 63-31247, 63-31585, AND
63-31586 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
.22 CFS AND TO A TOTAL STORED VOLUME OF .4 AF PER ANNUM.

PRIORITY DATE: 03/01/1959

POINT OF DIVERSION: T05N R02E S29 SESWNW Within Ada County
SESWNW

Two points of diversion are located within SWNW, S29, T05N,
R02E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.14 CFS
	Irrigation Storage	01-01 TO 12-31	0.40 AFY
	Irrigation from Storage	03-01 TO 11-15	0.40 AFY

PLACE OF USE:	Irrigation	Within Ada County
	T05N R02E S29	SESW 1.2
		SESW 0.7
		NWSW 0.1
	7.1 Acres Total	

Irrigation from Storage Within Ada County
Same as Irrigation

Use of this right with Right No. 63-31585 is limited to the
irrigation of a combined total of 11 acres in a single
irrigation season.

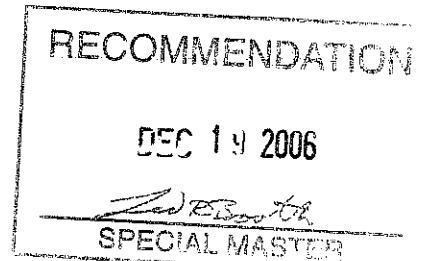
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-31585

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714

SOURCE: MC FARLAND CREEK TRIBUTARY: CURRANT CREEK

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION: T05N R02E S29 NENESW Within Ada County
NWNWSW
NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.22 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Irrigation		Within Ada County
	T05N R02E S29	SWNW 5.1	SENW 1.2
		NESW 0.7	NWSW 3.1
	S30	NESE 0.9	
	11.0 Acres Total		

Stockwater	Within Ada County
Same as Irrigation	

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.

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

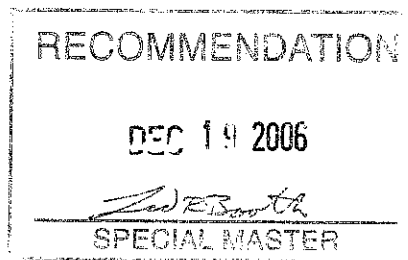
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

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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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-31586

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DISTRICT COURT-SRE
TWIN FALLS CO. IDAHO
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NAME AND ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714

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DEPARTMENT OF
WATER RESOURCES

SOURCE: SPRING TRIBUTARY: MC FARLAND CREEK

QUANTITY: 0.22 CFS
0.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 63-31247 & 63-32082 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS AND TO A TOTAL
STORED VOLUME OF 0.4 AF PER ANNUM.

PRIORITY DATE: 07/01/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T05N R02E S29 SESWNW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fire Protection	01-01 TO 12-31	0.22 CFS
	Fire Protection Storage	01-01 TO 12-31	0.40 AFY
	Fire Protect from Storage	01-01 TO 12-31	0.40 AFY

PLACE OF USE: Fire Protection Within Ada County
T05N R02E S29 SWNW
Fire Protect from Storage Within Ada County
Same as Fire Protection

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

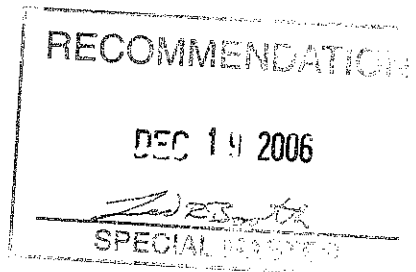
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-31247 &
63-32082 PURSUANT TO SECTION 42-1426, IDAHO CODE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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TWIN FALLS, IDAHO
FILED *OK*

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

CERTIFICATE OF MAILING

Water Right(s): 63-31247
63-31585 63-31586 63-32082

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 December 19, 2006, with sufficient first-class postage prepaid to the following:

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

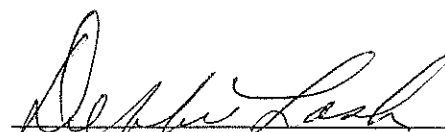
DALE M FRAZELL
15204 N MCFARLAND CREEK RD
BOISE, ID 83714
Phone: 208-433-9282

DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714
Phone: 208-433-9282

CERTIFICATE OF MAILING

PAGE 1
12/19/06

KATHLEEN KEYS
15205 N MCFARLAND CREEK RD
BOISE, ID 83714
Phone: 208-433-9282


DEBBIE LASH
Deputy Clerk

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-31247
63-31585 63-31586 63-32082

On December 19, 2006, Special Master THEODORE R. BOOTH 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 December 19, 2006.

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk