

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 21-00090

2007 JAN 11 PM 1:31

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

RECEIVED

JAN 16 2007

DEPARTMENT OF
WATER RESOURCES

SOURCE: SHERIDAN CREEK TRIBUTARY: HENRYS FORK

QUANTITY: 3.20 CFS

PRIORITY DATE: 09/26/1902

POINT OF DIVERSION: T13N R41E S27 NWSW Within Fremont County
S34 NWNE
S35 SWNE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 10-31 3.20 CFS

PLACE OF USE: Irrigation Within Fremont County

T12N R41E S01 LOT 3	(NENW) 9.1	NWSW 8.2
S02 LOT 1	(NENE) 7.3	LOT 2 (NWNE) 23.0
LOT 3	(NENW) 29.0	NESW 10.0
	NESE 27.0	NWSE 26.0
T13N R41E S26	NESW 17.0	NWSW 19.0
	SWSW 23.0	SESW 40.0
	SWSE 11.0	
S35	NENE 33.0	NWNE 25.0
	SENE 30.0	NENW 8.5
	NESE 1.3	
S36	SWNE 6.8	NENW 4.5
	NWNW 20.0	SWNW 40.0
	SENW 39.0	NESW 40.0
	NWSW 39.0	SWSW 14.0
	SESW 40.0	NWSE 22.0
	SWSE 10.0	

622.7 Acres Total

The rights listed below are limited to the irrigation of a combined total of 622.7 acres in a single irrigation season. Combined Right Nos.: 21-91, 21-11277, 21-2049, 21-92, 21-11276, and 21-90.

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).

RECOMMENDATION

JAN 11 2006

Dianna S. Chan
SPECIAL MASTER

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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In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW
)
)
)

) FOR WATER RIGHTS: 21-00090,
) 21-00091, 21-00092, 21-02049, 21-11276,
) and 21-11277

I. FINDINGS OF FACT

Claims were filed for these water rights 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 recommendations for the elements of these water rights.

Objections were filed by the United States Bureau of Land Management on May 25, 2006. The *Objections* were resolved on November 13, 2006 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: January 11, 2007.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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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): 21-00090
21-00091 21-00092 21-02049
21-11276 21-11277

On January 11, 2007, 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 January 11, 2007.


JANET CONNELL
Deputy Clerk

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JAN 11 2007

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WATER RESOURCES

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Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 21-00090
21-00091 21-00092 21-02049
21-11276 21-11277

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 January 11, 2007, with sufficient first-class postage prepaid to the following:

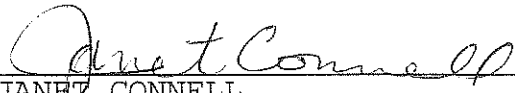
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
01/11/07

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065
Phone: 208-334-4180



JANET CONNELL
Deputy Clerk