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FEB 14 2007

DEPARTMENT OF
WATER RESOURCES

2007 FEB 13 PM 3:00

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 AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW

)
) FOR WATER RIGHTS: 37-30009,
37-21934 AND 37-21935
)

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-30009 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.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-30009 into assigned split right numbers 37-21934 and 37-21935. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 37-30009 to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-30009 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-21934 and 37-21935 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: February 13, 2007.


BRIGETTE BILYEU, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21934

2007 FEB 13 PM 3:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GENE GOOLD
1117 HANKINS RD N
TWIN FALLS, ID 83301

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T03S R18E S09 SENESE Within Lincoln County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 1.00 CFS

PLACE OF USE: Irrigation Within Lincoln County

T03S R18E S20	SESE 3.9	
S21	SWNE 19.0	SENE 25.0
	SENE 5.8	NESW 8.5
	SWSW 17.0	SESW 3.5
	NESE 18.0	NWSE 2.1
S28	NWNE 9.4	SWNE 22.0
	NWNW 19.0	SENE 17.0
	NESW 19.0	NWSE 6.4
S33	NESW 26.0	NWSW 5.0
	SESW 8.6	NWSE 6.3
	SWSE 22.0	
T04S R18E S04 LOT 2	(NWNE) 5.2	LOT 3 (NENW) 2.7
271.4 Acres Total		

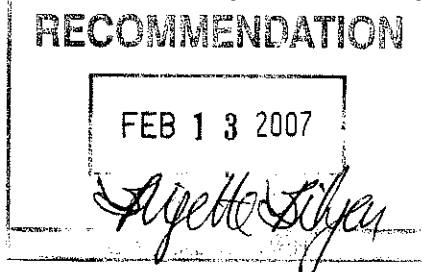
USE OF THIS RIGHT WITH RIGHT NO. 37-21932 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 271.4 ACRES IN A SINGLE
IRRIGATION SEASON.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21935

2007 FEB 13 PM 3:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T03S R18E S09 SENESE Within Lincoln County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE: Irrigation Within Lincoln County
T03S R18E S29 LOT 1 (NENE) 18.0 LOT 2 (SENE) 6.6
S33 SWNE 0.3 SENW 1.3
26.2 Acres Total

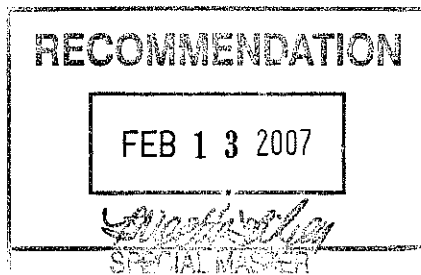
USE OF THIS RIGHT WITH RIGHT NO. 37-21933 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 26.2 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
CLERK

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

Water Right(s): 37-21934
37-21935 37-30009

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.

Janet Connell
JANET CONNELL
Deputy Clerk

2007 FEB 13 PM 3:00

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 37-21934
37-21935 37-30009

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 February 13, 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

GENE GOOLD
1117 HANKINS RD N
TWIN FALLS, ID 83301

CERTIFICATE OF MAILING

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JANET CONNELL 02/13/07
Deputy Clerk