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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
DISTRICT OF THE IDAHO
TWIN FALLS

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

) Subcase 74-164

) (Karl Tyler Chevrolet, Inc.)

Case No. 39576

)

) ORDER DISMISSING OBJECTION

) and SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-164 to Karl Tyler Chevrolet, Inc., P.O. Box 16025, Missoula, Montana, 59808, for 3.2 cfs from Canyon Creek for stockwater use from May 1 to September 1 and to irrigate 75 acres from March 15 to November 15 with a priority date of November 9, 1909, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use. However, on March 14, 2007, the United States filed a *Notice of Voluntary Dismissal of Objection*. There are no other parties to the subcase.

Order

THEREFORE, IT IS ORDERED that the United States' *Objection* is dismissed with prejudice.

Conclusions of Law

Karl Tyler Chevrolet, Inc., is entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 74-164*.

DATED March 14, 2007.



TERRENCE A. DOLAN

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 74-00164

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: KARL IYLER CHEVROLET INC
PO BOX 16025
MISSOULA MT 59808

SOURCE: CANYON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 3.20 CFS
228.00 AFY

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/09/1909

POINT OF DIVERSION: T16N R26E S24 NWSW Within Lemhi County
R27E S18 SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.16 CFS 225.00 AFY
	Stockwater	05-01 TO 09-01	0.04 CFS 3.00 AFY

PLACE OF USE: Irrigation T16N R26E S23 SWSW 4.0 SESW 31.0
SWSE 40.0
75.0 Acres Total

Stockwater Within Lemhi County
T16N R27E S19 NWSE
S20 SWSW

Rights 74-13 74-163, 74-164 and 74-7271 when combined shall not
exceed the irrigation of 262.5 acres
Rights 74-164 and 74-7271 when combined shall not exceed the
irrigation of 258.8 acres

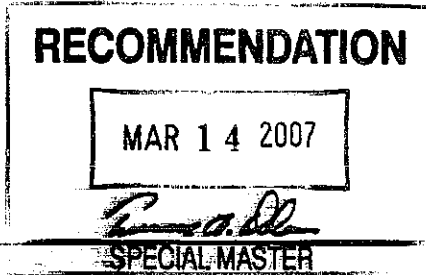
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

CERTIFICATE OF MAILING

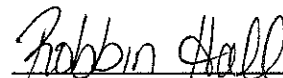
Water Right(s): 74-00164

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 March 14, 2007, with sufficient first-class postage prepaid to the following:

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

KARL TYLER CHEVROLET INC
PO BOX 16025
MISSOULA, MT 59808
Phone: 406-721-2438


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
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2007 MAR 14 PM 1:24

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TWIN FALLS CO., IDAHO
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In Re SRBA)
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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 74-00164

On March 14, 2007, Special Master TERRENCE A. DOLAN 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 March 14, 2007.



ROBBIN HALL
Deputy Clerk