

2007 APR 13 PM 1:30

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

Case No. 39576

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

) FOR WATER RIGHT: 29-07222
)

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 the City of Pocatello on November 14, 2003. Pocatello's *Objection* to a general provision on source, quantity, priority and purpose of use was resolved by an *Order on Joint Motion to Dismiss Objections*. (September 21, 2006) Pocatello's request for a general provision on separate streams and separate administration was resolved by an *Order Dismissing Objections and Responses*. (July 14, 2006) Pocatello withdrew its *Objection* to quantity, purpose of use, and place of use at trial. *See also*, (Exhibit 181, tab 19) All parties to the subcase and IDWR concurred in the resolution of this water right. All parties agreed that the elements of this water right should be recommended as set forth in the *Director's Report*. (Exhibit 181, tab 19)

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: April 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-07222

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TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO, ID 83205

SOURCE: GROUND WATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 08/22/1974

POINT OF DIVERSION: T06S R34E S09 SESWSE Within Bannock County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 1.00 CFS

PLACE OF USE: Irrigation Within Bannock County
T06S R34E S09 NWSE 24.0 SWSE 26.0
50.0 Acres Total

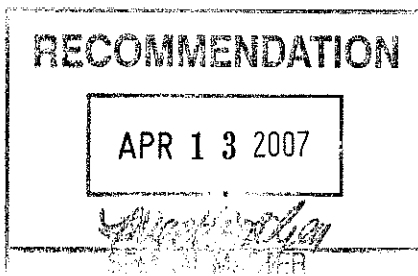
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



DISTRICT COURT-SRI
TWIN FALLS CO., IDA
OFFICE OF THE

In Re SRBA)
)
Case No. 39576)
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)

Water Right(s) : 29-07222

PAGE 1
04/13/07

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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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 29-07222

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 April 13, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
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BOISE, ID 83720-0098

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CERTIFICATE OF MAILING

PAGE 1
04/13/07

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STATE OF IDAHO

Represented by:
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STATE OF IDAHO
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A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
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CITY OF POCATELLO

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TWIN FALLS CANAL COMPANY

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UNITED STATES OF AMERICA

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ENVIRONMENT & NATL' RESOURCES
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MINIDOKA IRRIGATION DISTRICT

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JANET CONNELL
Deputy Clerk