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DEPARTMENT OF
WATER RESOURCES

451001-0001-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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 21-10019
	)	and 21-13051

I. FINDINGS OF FACT

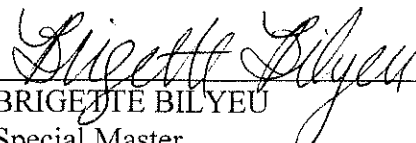
A notice of claim was filed for water right 21-10019 by Charles Kane. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* to 21-10019 was filed by Charles Kane on December 20, 2006. The *Objection* was resolved on March 12, 2007 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*. In order to resolve 21-10019, the parties and IDWR split off part of the right and assigned a new number, 21-13051. The new number 21-13051 established the recreation portion of the claim. A *Standard Form 5* was also filed for water right 21-13051.

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: July 31, 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 21-10019

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CHARLES KANE
JOYCE KANE
3761 HWY 87
ISLAND PARK, ID 83429

SOURCE: SPRING TRIBUTARY: HENRYS LAKE

QUANTITY: 0.68 CFS

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DEPARTMENT OF
WATER RESOURCES

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
RIGHT NOS. 21-10019 AND 21-13051 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .68 CFS.

PRIORITY DATE: 06/27/1898

POINT OF DIVERSION: T16N R43E S29 SESWSE Within Fremont County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	05-01 TO 10-31	0.68 CFS
Stockwater	05-01 TO 09-30	0.30 CFS

PLACE OF USE: Irrigation Within Fremont County
T16N R43E S32 NENE 1.2 NWNE 23.0
SWNE 2.0 SENE 7.8
34.0 Acres Total
Stockwater Within Fremont County
Same as Irrigation

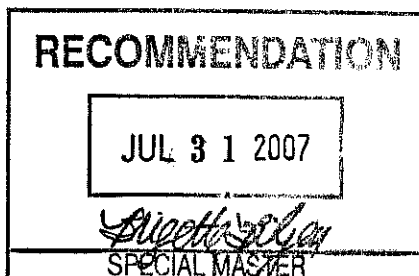
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 21-13051

2007 JUL 31 PM 2:51

DISTRICT COURT - 5th - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CHARLES KANE
JOYCE KANE
3761 HWY 87
ISLAND PARK, ID 83429

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DEPARTMENT OF
WATER RESOURCES

SOURCE: SPRING TRIBUTARY: HENRYS LAKE

QUANTITY: 0.68 CFS
0.66 APY

RIGHT NOS. 21-10019 AND 21-13051 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .68 CFS.

PRIORITY DATE: 10/31/1949

POINT OF DIVERSION: T16N R43E S29 SESWSE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Diversion to Storage	01-01 TO 12-31	0.68 CFS
	Recreation Storage	01-01 TO 12-31	0.66 APY

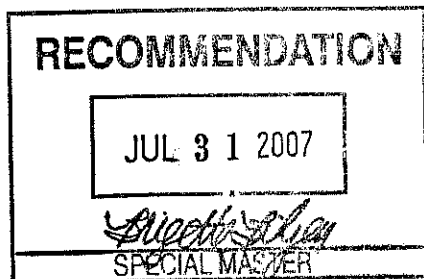
PLACE OF USE:	Recreation Storage	Within Fremont County
	T16N R43E S32	NENE
	Diversion to Storage	Within Fremont County
	Same as Irrigation	

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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John M. Melanson
Presiding Judge of the
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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): 21-10019
21-13051

On July 31, 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 July 31, 2007.


JANET CONNELL
Deputy Clerk

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INSTRUCT 2007-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

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s): 21-10019
21-13051

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 July 31, 2007, with sufficient first-class postage prepaid to the following:

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

CHARLES KANE
Represented by:
BECK, DANIEL
410 MEMORIAL DR., STE 201
IDAHO FALLS, ID 83405

CHARLES KANE
JOYCE KANE
3761 HWY 87
ISLAND PARK, ID 83429

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 07/31/07
Deputy Clerk