

2007 AUG 10 PM 3: 59
CLERK OF DISTRICT COURT
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.: 21-7026,
	)	21-13058 and 21-13059
	)	

I. FINDINGS OF FACT

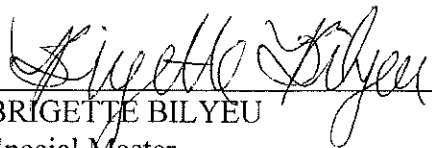
A notice of claim was filed for water right 21-7026 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

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 21-7026 into assigned split right numbers 21-13058 and 21-13059. All parties to the subcase and IDWR are signatories to the *Standard Form*. 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 21-7026 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 21-13058 and 21-13059 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: August 10, 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 21-13058

2007 AUG 10 PM 3:59

LETTER OF SET-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: MICHAEL H FABIAN
4706 DOVER COURT CIRCLE
CARMICHAEL, CA 95608

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 0.48 CFS
111.00 AFY

PRIORITY DATE: 07/05/1973

POINT OF DIVERSION: T08N R43E S04 SENE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.48 CFS 111.00 AFY

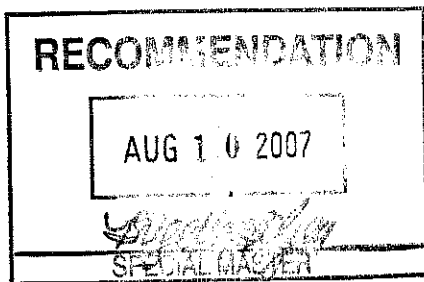
PLACE OF USE:	Irrigation	Within Fremont County
	T08N R43E S04	SWNE 16.0
	37.0 Acres Total	SENE 21.0

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

2007 AUG 10 PM 3:59

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 21-13059

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: SHIRLEY SCAFE
WALTER SCAFE
1010 GRAINVILLE RD
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRY'S FORK

QUANTITY: 0.52 CFS

PRIORITY DATE: 07/05/1973

POINT OF DIVERSION: T08N R43E S04 SENE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.52 CFS
			120.00 AFY

PLACE OF USE: Irrigation Within Fremont County
T08N R43E S04 NESE 40.0
40.0 Acres Total

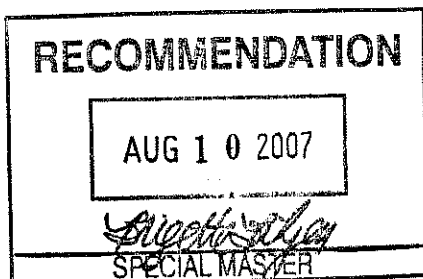
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



100-37381-373A
TWIN FALLS, IDAHO
FILED

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

Water Right(s): 21-07026
21-13058 21-13059


JANET CONNELL
Deputy Clerk

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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): 21-07026
21-13058 21-13059

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 August 10, 2007, with sufficient first-class postage prepaid to the following:

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

MICHAEL & LUCINDA FABIAN
PO BOX 6884
KETCHUM, ID 83340
Phone: 208-726-1143

SHIRLEY SCAFE
WALTER SCAFE
1010 GRAINVILLE RD
ASHTON, ID 83420
Phone: 208-652-3646

CERTIFICATE OF MAILING

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08/10/07

MICHAEL H FABIAN
4706 DOVER COURT CIRCLE
CARMICHAEL, CA 95608



JANET CONNELL
Deputy Clerk