

2007 AUG 10 PM 3: 55

OBJECTION - 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
	)	
	)	FOR WATER RIGHT: 27-07006
_____	)	

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 Winona and William Wissert on September 13, 2006. Hearings were held on September 13, 2006, December 13, 2006, January 31, 2007, and March 14, 2007. The claimant, Steven Millington did not attend the hearings. An *Order to Show Cause* was issued on March 19, 2007. At the hearing, Mr. Millington explained that he had not appeared at past hearings because he had sold much of the underlying real property. A hearing was set on August 8, 2007 in order to allow time to identify possible new owners of the water right. Mr. Millington did not attend the hearing on August 8, 2007. The Idaho Department of Water Resources had no further information on change of ownership.

A *Standard Form 5* has been sent to the court containing all signatures except that of Mr. Millington. The court provided notice in the *Order to Show Cause Hearing* that this water right could be recommended with the elements set forth in the *Standard Form 5* signed by the other

parties. It is, therefore, appropriate to accept the *Standard Form 5* in order to preserve this water right.

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: 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 27-07006

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NOTED BY SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: STEVEN MILLINGTON
3821 N 1500 E
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 0.90 CFS
161.00 AFY

This right when combined with all other rights shall provide no
more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 03/20/1969

POINT OF DIVERSION: T03S R35E S18 NWNENW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	0.90 CFS
			161.00 AFY

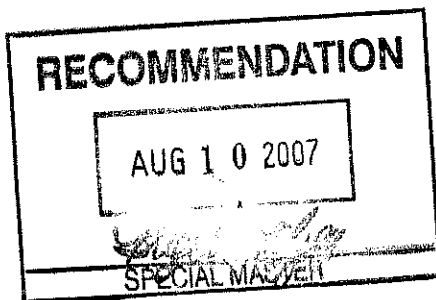
PLACE OF USE: Irrigation Within Bingham County
T03S R35E S18 NENW 20.0 LOT 1 (NWNW)26.0
46.0 Acres Total

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

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CLERK OF DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 27-07006

On August 10, 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 August 10, 2007.



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): 27-07006

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

STEVEN MILLINGTON
3821 N 1500 E
BUHL, ID 83316
Phone: 208-543-4248

WINONA & WILLIAM WISSERT
579 W 200 S
BLACKFOOT, ID 83221
Phone: 208-785-8474


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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08/10/07