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DEPARTMENT OF
WATER RESOURCES

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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 78-12112,
) 78-12114, and 78-12116

I. FINDINGS OF FACT

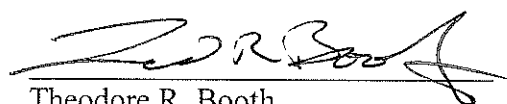
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On May 9, 2007, the United States of America, Department of Agriculture, Forest Service, filed objections to the *Director's Report*, asserting that the water rights should be described so as to comply with a settlement agreement entered into between the parties. On September 12, 2007, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 78-12112, 78-12114, and 78-12116 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Sept. 18, 2007



Theodore R. Booth
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 78-12112

NAME AND ADDRESS: SHINGLE CREEK LLC
PO BOX 1160
RIGGINS, ID 83549

SOURCE: SOUTH FORK SHINGLE CREEK TRIBUTARY: SHINGLE CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with right no. 78-10626
and is limited to a total combined diversion rate of .02 cfs and
a total quantity of 13,000 gallons per day.

PRIORITY DATE: 05/09/1906

POINT OF DIVERSION: T23N R01W S01 SENW (Instream Ending Point) Within Idaho County
S09 SWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Idaho County
	T23N R01W S01	SWNW	SENW
		SENW	
	S02	SWNE	SENE
		NESW	NWSW
		NESE	NWSE
	S03	NESE	SWSE
		SESE	
	S09	NENE	NWNE
		SWNE	SENW
		NESW	NWSW
		SWSW	
	S10	NWNE	NENW
		NWNW	

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

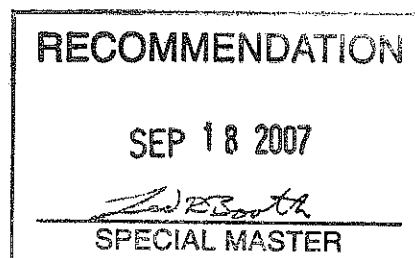
The quantity of water decreed for this water right is not a determination of historical beneficial use. The operation, use and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 2002 between the United States of America and Willis DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office of the Idaho County Recorder and recorded on October 31, 2002 as Instrument No. 425169; the conditions of such stipulation to apply fully to 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 78-12114

NAME AND ADDRESS: SHINGLE CREEK LLC
PO BOX 1160
RIGGINS, ID 83549

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with right no. 78-12008
and is limited to a total combined diversion rate of .02 cfs and
a total quantity of 13,000 gallons per day.

PRIORITY DATE: 05/09/1906

POINT OF DIVERSION: T23N R01W S05 SWNW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 10-31	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T23N R01W S05 SWNW

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

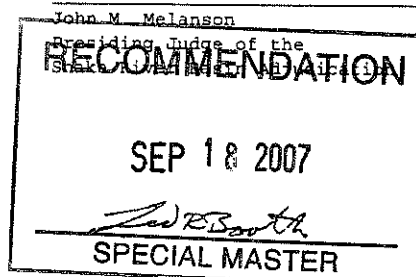
The operation, use and administration of this water right is
also subject to the terms and conditions of the stipulation and
joint motion for order approving stipulation entered into on
August 29, 2002 between the United States of America and Willis
DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office
of the Idaho County Recorder and recorded on October 31, 2002, as
Instrument No. 425169; the conditions of such stipulation to
apply fully to this water right.

The quantity of water decreed for this water right 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
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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 78-12116

NAME AND ADDRESS: SHINGLE CREEK LLC
PO BOX 1160
RIGGINS, ID 83549

SOURCE: DUTCH OVEN CREEK TRIBUTARY: RAPID RIVER
RAPID RIVER TRIBUTARY: LITTLE SALMON RIVER
WEST FORK RAPID RIVER TRIBUTARY: RAPID RIVER
SHINGLE CREEK TRIBUTARY: RAPID RIVER
WYANT CREEK TRIBUTARY: RAPID RIVER

QUANTITY: 0.02 CFS

This right shall be used in conjunction with right no.
78-10627, 78-10628, 78-10636, 78-10637, 78-10638 and 78-10648 and
is limited to a total combined diversion rate of .02 cfs and a
total quantity of 13,000 gallons per day.

PRIORITY DATE: 05/09/1906

POINT OF DIVERSION:	T22N R01W S02	SWSE	(Instream Ending Point)	Within Idaho County
	S04	SESE	(Instream Beginning Point)	
	S15	NENE	(Instream Beginning Point)	Within Adams County
	R02W S02	SESE	(Instream Beginning Point)	Within Idaho County
	T23N R01W S01	SENW	(Instream Ending Point)	
	S12	SWNE	(Instream Ending Point)	
	S26	SWNE	(Instream Ending Point)	
	S33	SESE	(Instream Beginning Point)	
	S35	NWSE	(Instream Ending Point)	
	T24N R01W S32	SWSE	(Instream Beginning Point)	

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Idaho County
	T22N R01W S02	NWNE	SWNE
		NESW	NWSW
		SESW	NWSE
		SWSE	
	S03	NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	
	S04	SESE	
	S06	NWNW	
	S10	SESE	
	S11	NENW	SWNW
		SENW	NWSW
		SWSW	
	S15	NENE	
	R02W S01	NENE	NWNE
		NENW	SWNW
		SENW	NESW
		NWSW	SWSW
	S02	SESW	SESE
	T23N R01W S01	NENW	NWNW
		SENW	SENW
	S12	SWNE	NESW

PLACE OF USE (continued)

		SESW	
S13		NENW	SENW
		NESW	SWSW
		SESW	
S22		SESW	SWSE
		SESE	
S23		NENE	SENE
		NESE	NWSE
		SWSE	
S24		NWNW	
S26		NWNE	SWNE
		NWNW	SWNW
		SENW	NESW
		SESW	NWSE
		SWSE	
S27		NENE	NENW
		NWNW	
S28		NENE	NWNE
		SWNE	SWNW
		SENW	NWSW
S29		SESW	NESE
		NWSE	SWSE
S31		SENE	NESW
	LOT 1	(SWSW)	SESW
		NESE	NWSE
S32		NENW	NWNW
		SWNW	
S33		SESE	
S34		SWSW	SESW
		SWSE	SESE
S35		NWNE	SWNE
		SENW	NESW
		NWSW	SWSW
		SESW	NWSE
		SWSE	
T24N R01W S32		SWSE	SESE
S33		NESW	NWSW
		SWSW	NESE
		NWSE	
S34		SWNE	SENE
		SENW	NESW
		NWSW	NESE
S35		NWSW	SWSW
		SESW	SWSE
		SESE	
S36		SWSW	

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

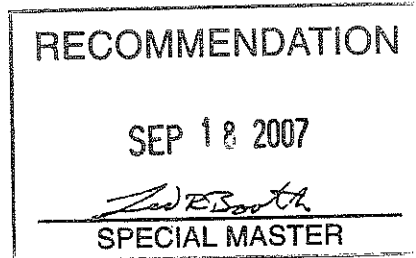
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

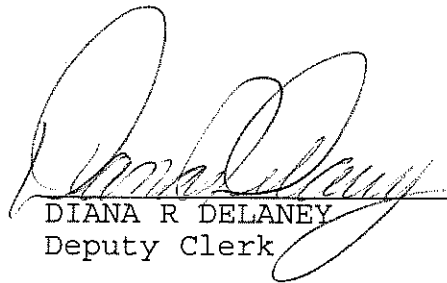
Water Right(s): 78-12112
78-12114 78-12116

On September 18, 2007, Special Master THEODORE R. BOOTH 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 September 18, 2007.



DIANA R DELANEY
Deputy Clerk

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): 78-12112

78-12114 78-12116

CERTIFICATE OF MAILING

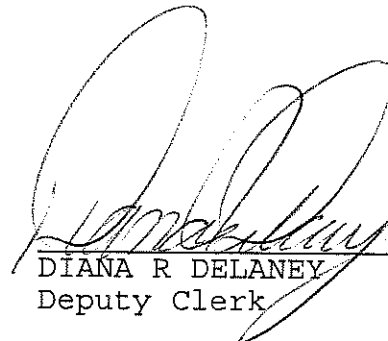
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 18, 2007, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SHINGLE CREEK LLC
PO BOX 1160
RIGGINS, ID 83549
Phone: 208-628-3462

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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