

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 28 2007

By _____ Clerk

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
	)	FOR WATER RIGHT: 37-59C

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 United States Bureau of Land Management on March 10, 2006. An Initial hearing was held on August 24, 2006. At the hearing, the United States Bureau of Land Management made an oral *Motion to Withdraw Objection*. There was no opposition to the *Motion*. The court **granted** the *Motion to Withdraw Objection*. There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the *Special Master's Recommendation for Partial Decree*.

DATED: September 28, 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

SEP 28 2007

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00059C

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: RICHARD A DINGES
2490 E 1700 S
GOODING, ID 83330

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE
LITTLE WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD
RIVER.

QUANTITY: 3.58 CFS

RIGHT NOS. 37-59C, 37-613, 37-614 AND 37-7591 ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.58 CFS.
RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 2.60 CFS CAN BE REDIVERTED
FROM LITTLE WOOD RIVER.

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION: T02S R18E S30 SWSENE Within Lincoln County
T03S R19E S19 SWNE (Injection)
T04S R19E S25 SENWSE (Injection)
T05S R16E S28 SWNWSW (Rediversion)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 3.58 CFS

PLACE OF USE: Irrigation Within Lincoln County
T05S R16E S29 SWNE 36.0 SENE 32.0
SENW 25.0 NESW 36.0
SESW 22.0 NESE 31.0
NWSE 34.0 SWSE 23.0
SESE 27.0
S32 NWNE 4.0 NENW 10.0
280.0 Acres Total

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS
RIGHT NOS. 37-59C, 37-613, 37-614 AND 37-7591 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE
IRRIGATION SEASON.

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).

RECOMMENDATION

SEP 28 2007

Angela J. Khan
SPECIAL MASTER

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-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2007	
By _____	Clerk 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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

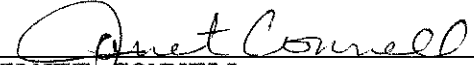
Water Right(s): 37-00059C

On September 28, 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 September 28, 2007.



JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 2007	
By _____	Clerk 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

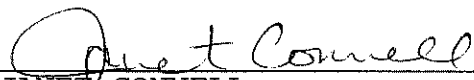
Water Right(s) : 37-00059C

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 28, 2007, with sufficient first-class postage prepaid to the following:

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

RICHARD A DINGES
2490 E 1700 S
GOODING, ID 83330
Phone: 208-934-9259



JANET CONNELL
Deputy Clerk