

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	)	SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 37-59M
_____	)	

I. FINDINGS OF FACT

A 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. The United States filed a *Notice of Voluntary Dismissal of Objection* on August 8, 2006, prior to the filing of any responses. ***Order Dismissing Objection*** (August 10, 2006) 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 attached ***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
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District

County of Twin Falls - State of Idaho

SEP 28 2007

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

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: KAREN A ARKOOSH
WILLIAM ARKOOSH
2005 US HWY 26
GOODING, ID 83330

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

WATER IS DIVERTED FROM THE BIG WOOD RIVER INTO THE RICHFILED
CANAL, INJECTED IN THE JIM BYRNS SLOUGH TAHT FLOWS INTO THE
LITTEL WOOD RIVER ND REDIVERTED FROM THE LITTLE WOOD RIVER.

QUANTITY: 2.304 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 4.0 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION
OF THE LANDS ABOVE.

THIS RIGHT IS SUBJECT TO A 27% CONVEYANCE LOSS; 1.68 CFS MAY BE
REDIVERTED FROM THE LITTLE WOOD RIVER.

RIGHTS 37-59M, 37-327, AND 37-329 WHEN COMBINED SHALL NOT
EXCEED A TOTAL DIVERSION RATE OF 5.88 CFS FROM THE LITTLE WOOD
RIVER.

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION: T02S R18E S30 SENE Within Lincoln County
T03S R19E S19 NENE (Injection)
T04S R19E S25 NWSE (Injection)
T05S R16E S26 NENE (Rediversion)
NWNE (Rediversion)
S27 NENW (Rediversion)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 2.304 CFS

PLACE OF USE: Irrigation Within Lincoln County
T05S R16E S21 SESE 15.0
S22 SWSW 8.8
S26 NENE 17.0 NWNE 7.7
SWNE 20.0 NENW 17.0
NWNW 31.0 SWNW 5.7
SENW 13.8
S27 NENE 11.0 NWNE 14.0
NENW 24.0 NWNW 40.0
S28 NENE 20.0
245.0 Acres Total

RIGHT NOS. 37-59M, 37-327 AND 37-329 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 245 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).

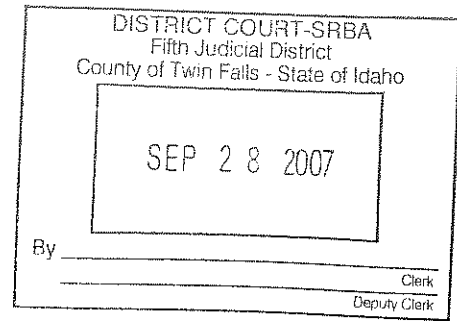
RECOMMENDATION

SEP 28 2007

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

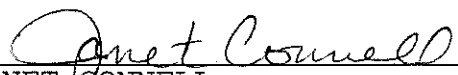
Water Right(s): 37-00059M

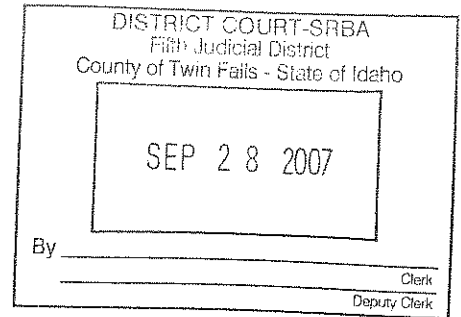
On September 28, 2007, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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



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): 37-00059M

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

KAREN A ARKOOSH
WILLIAM ARKOOSH
2005 US HWY 26
GOODING, ID 83330


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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09/28/07