

2007 OCT -9 PM 3:34
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 21-178
	)	

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 May 25, 2006. The *Objection* was resolved on April 16, 2007 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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: October 9, 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

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-00178

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY, ID 83333-8411

SOURCE: TWIN CREEK TRIBUTARY: HENRYS FORK

QUANTITY: 2.00 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T14N R43E S01 LOT 2 (NENWNE) Within Fremont County
T15N R43E S36 NESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	2.00 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

PLACE OF USE: Irrigation Within Fremont County

T14N R43E S01 LOT 1	(NENE) 40.0	LOT 2	(NWNE) 32.0
	SWNE 16.0		SENE 40.0
LOT 3	(NENW) 0.8		NESE 40.0
	NWSE 9.8		SWSE 0.3
	SESE 23.0		
R44E S06 LOT 4	(NWNW) 33.0	LOT 5	(SWNW) 34.0
	NESW 33.0	LOT 6	(NWSW) 34.0
LOT 7	(SWSW) 34.0		SESW 40.0
S07	NENE 29.0		NWNE 40.0
	SWNE 40.0		SENE 32.0
	NENW 40.0		SENE 2.8
LOT 4	(SENE) 25.0	LOT 7	(SENE) 2.9
	NESW 0.1	LOT 6	(NESW) 0.6
	NESE 0.5	LOT 5	(NESE) 33.0
	NWSE 1.1	LOT 6	(NWSE) 0.1
LOT 6	(NWSE) 26.0	LOT 6	(NWSE) 0.3
	SESE 0.2	LOT 5	(SESE) 0.4

683.9 Acres Total

Stockwater Within Fremont County
Same as Irrigation

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 683.9 ACRES IN SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 21-178, 21-179

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

The quantity of water decreed for this water right for
stockwater use 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
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

OCT - 9 2007

Walter J. Day
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

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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

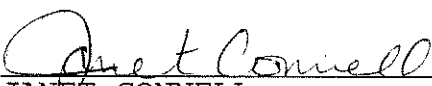
Water Right(s): 21-00178

On October 09, 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 October 09, 2007.


JANET CONNELL
Deputy Clerk

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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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 21-00178

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 October 09, 2007, with sufficient first-class postage prepaid to the following:

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

THE NATURE CONSERVANCY
Represented by:
C TIMOTHY HOPKINS
428 PARK AVE
PO BOX 51219
IDAHO FALLS, ID 83405-1219
Phone: 208-523-4445

THE NATURE CONSERVANCY
Represented by:
STEPHEN C CANN
THE NATURE CONSERVANCY
2424 SPRUCE ST STE 100
BOULDER, CO 80302
Phone: 303-541-0343

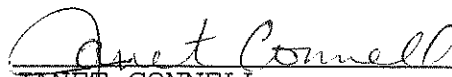
CERTIFICATE OF MAILING

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UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

A handwritten signature in cursive script, reading "Janet Connell", written over a horizontal line.

JANET CONNELL

Deputy Clerk