

2007 OCT -9 PM 3:31

INSTRUMENT- 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: 21-10023   |
| _____          | ) |                             |

**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 24, 2006. The *Objection* was resolved on May 8, 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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 21-10023

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: SCHREINER FARMS IDAHO LLC  
C/O GARY KELLY  
1038 E BUTTE RD  
MENAN, ID 83434-5122

SOURCE: GROUND WATER

QUANTITY: 0.36 CFS

Right Nos. 21-2109A and 21-10023 are limited to a total combined  
diversion rate of 3.08 cfs.

PRIORITY DATE: 03/24/1975

This water right is subordinate to all water rights with a  
priority date earlier than April 12, 1994, that are not decreed  
as enlargements pursuant to Section 42-1426, Idaho Code. As  
between water rights decreed as enlargements pursuant to Section  
42-1426, Idaho Code, the earlier priority right is the superior  
right.

POINT OF DIVERSION: T05N R38E S11 SWNWSW Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.36 CFS |

| PLACE OF USE:     | Irrigation | Within Madison County |
|-------------------|------------|-----------------------|
| T05N R38E S02     | SESW 0.2   |                       |
| S10               | SENE 0.3   | NESE 8.1              |
|                   | SESE 0.7   |                       |
| S11 LOT 2         | (NENW)28.0 | NWNW 7.2              |
|                   | SWNW 32.0  | SENW 2.3              |
| LOT 3             | (SENW)18.0 | NESW 11.0             |
|                   | NWSW 40.0  | SWSW 22.0             |
|                   | SESW 0.8   | LOT 7 (SESW)27.0      |
| LOT 6             | (NESE)27.0 | NWSE 0.2              |
|                   | SWSE 3.5   | LOT 7 (SWSE) 2.0      |
| 230.3 Acres Total |            |                       |

The rights listed below are limited to the irrigation of a  
combined total of 230.3 acres in a single irrigation season.  
Combined Right Nos.:21-2109A, 21-2109B, 21-10023  
The place of use does not include federal public lands.

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

This right is based upon an enlargement of Right No. 21-2109A  
pursuant to Section 42-1426, Idaho Code.

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

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.

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

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TWIN FALLS CO., IDAHO

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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): 21-10023

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 Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 21-10023

CERTIFICATE OF MAILING

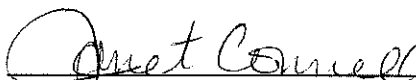
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 09, 2007, with sufficient first-class postage prepaid to the following:

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

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

SCHREINER FARMS IDAHO LLC  
C/O GARY KELLY  
1038 E BUTTE RD  
MENAN, ID 83434-5122  
Phone: 208-754-9349

CERTIFICATE OF MAILING

 PAGE 1  
JANET CONNELL 10/09/07  
Deputy Clerk