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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 1 PM 4 41

**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 78-02027B,**
) **78-02028B, and 78-10237**

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.

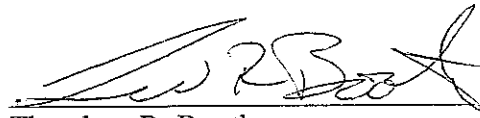
Although no objections have been filed to the *Director's Report* for these water right claims, they were identified by IDWR as uncontested overlapping claims with 78-10233. On September 13, 2007, the parties filed a *Standard Form 5* in subcase 78-10233, agreeing that the water right claim should be disallowed. On September 25, 2007, this Special Master issued a *Notice of Special Master's Intent Regarding Recommendation of Water Rights* in the above-captioned subcases. No party filed any objections or comments with respect to the notice of intent, and the time for doing so has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Notice of Special Master's Intent Regarding Recommendation of Water Rights*, IT IS RECOMMENDED that

water rights 78-02027B, 78-02028B, and 78-10237 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov 1, 2007

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

TWIN FALLS

Water Right 78-02027B

PAGE 1
Nov-01-2007

DISTRICT COURT - SRBA
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

2007 NOV 1 PM 4 42

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 78-02028B

NAME AND ADDRESS: ALICE L BRANSTETTER
MELVIN C BRANSTETTER
PO BOX 245
NEW MEADOWS, ID 83654

SOURCE: FOURMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.90 CFS
135.00 AFY

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to a
total combined diversion rate of 1.94 cfs and to a total
combined annual diversion volume of 291 AF.

PRIORITY DATE: 06/15/1920

POINT OF DIVERSION: T19N R02E S04 L01 4 (NWNW) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.90 CFS 135.00 AFY

PLACE OF USE:	Irrigation	Within Adams County
	T19N R02E S05	NWSE 19.0
	S08	SWSE 37.0
		NENE 2.0
	97.0 Acres Total	NWNE 39.0

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to the
irrigation of a combined total of 97 acres in a single
irrigation season.

This right is limited to the irrigation of 45 acres within the
place of use described above 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).

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.

RECOMMENDATION

NOV - 1 2007

John M. Melanson
SPECIAL MASTER

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

DISTRICT COURT - SRBA
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2007 NOV 1 PM 4 42

PAGE 1
Nov-01-2007

DISTRICT COURT - SRBA
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2007 NOV 1 PM 4 45

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

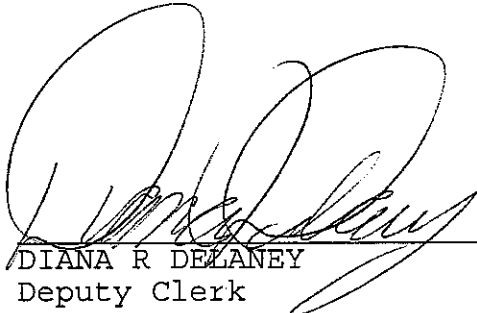
Water Right(s): 78-02027B
78-02028B 78-10237

On November 01, 2007, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 November 01, 2007.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 1 PM 4 45

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

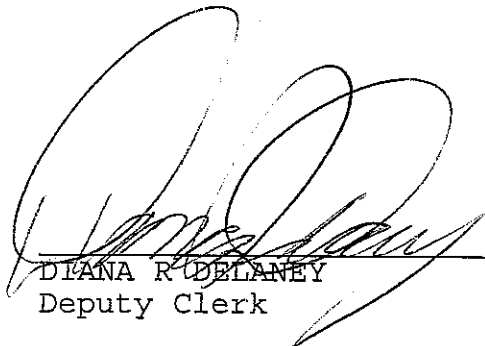
Water Right(s): 78-02027B
78-02028B 78-10237

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 November 01, 2007, with sufficient first-class postage prepaid to the following:

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

ALICE L BRANSTETTER
MELVIN C BRANSTETTER
PO BOX 245
NEW MEADOWS, ID 83654
Phone: 208-347-2266



DIANA R. DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/01/07