

2007 NOV 14 PM 2:55

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: 22-7314
_____	)	

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.

Objections were filed by the United States Bureau of Land Management and the United States Bureau of Reclamation on May 5, 2006. The *Objections* were resolved on August 17, 2006 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: November 14, 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 22-07314

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: M & B ENTERPRISES LTD
PARTNERSHIP
PO BOX 326
ST ANTONY, ID 83445

SOURCE: GROUND WATER

QUANTITY: 9.00 CFS
3284.70 AFY

Use of this right with Right Nos. 22-7205, 22-7265A, 22-7265B,
22-7270, and 22-7314 is limited to a total combined
(re)diversion capacity of 24.5 cfs and to a total combined
annual diversion volume of 9,590.7 AF.
The rights listed below are limited to a total combined
diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205,
22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION: T07N R41E S29 SESWNE Within Fremont County
NWNESE (Injection)
R42E S23 SENWSE (Rediversion)

Water diverted under this right is exchanged by injecting water
diverted under this right into Teton River at the point of
injection described above, and diverting an equal amount from
Teton River at the point of rediversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	9.00 CFS 3284.70 AFY

The use of water for irrigation under this right may begin as
early as April 1 and may continue to as late as October 31,
provided other elements of the right are not exceeded. The use
of water before April 15 and after October 15 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Fremont County
	T07N R42E S02	SWSW 4.0
	S03	SESE 24.0
	S10	NENE 20.0 NWNE 31.0
		SWNE 30.0 SENE 37.0
		NENW 20.0 SENW 36.0
		NESW 33.0 NWSW 30.0
		NESE 38.0 NWSE 38.0
		SWSE 25.0 SESE 37.0
	S11	NENW 0.3 NWNW 34.0
		SWNW 38.0 SENW 0.2
		NESW 1.6 NWSW 30.0
		SWSW 40.0 SESW 40.0
		SWSE 40.0 SESE 30.0
	S12	SWSW 5.5 SESW 0.6
		SWSE 2.4 SESE 1.6

PLACE OF USE (continued)

S13	NENE	37.0	NWNE	39.0
	SWNE	33.0	SENE	36.0
	NENW	34.0	NWNW	38.0
	SWNW	34.0	SENE	29.0
	NESW	40.0	NWSW	39.0
	SWSW	38.0	SESW	39.0
	NESE	35.0	NWSE	40.0
	SWSE	39.0	SESE	39.0
S14	NENE	35.0	NWNE	40.0
	SWNE	30.0	SENE	28.0
	NENW	34.0	NWNW	35.0
	SWNW	40.0	SENE	37.0
	NESW	40.0	NWSW	37.0
	SWSW	2.7	SESW	29.0
	NESE	26.0	NWSE	39.0
	SWSE	40.0	SESE	40.0
S15	NENE	23.0	SWNE	19.0
	SENE	39.0	NESE	19.0
	NWSE	18.0		
S23	NENE	40.0	NWNE	26.0
	SWNE	1.1	SENE	25.0
	NENW	3.4		
S24	NENE	40.0	NWNE	40.0
	SWNE	39.0	SENE	40.0
	NENW	40.0	NWNW	39.0
	SWNW	36.0	SENE	37.0
	NESE	20.0	NWSE	8.2
	(SWSW)	0.7	SESW	0.4
R43E S18 LOT 4 S19	NENE	40.0	NWNE	40.0
	SWNE	40.0	SENE	40.0
	NENW	40.0	(NWNW)	41.0
LOT 2	(SWNW)	41.0	SENE	35.0
	NESW	2.2	(NWSW)	21.0
	NESE	27.0	NWSE	27.0
	SWSE	3.3		

2740.2 Acres Total

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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

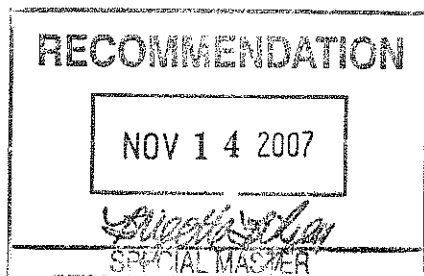
Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River. The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells. The exchange wells must inject water under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

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.



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

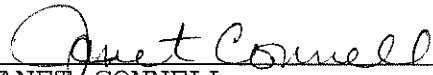
Water Right(s): 22-07314

On November 14, 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 November 14, 2007.



JANET CONNELL
Deputy Clerk

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TWIN FALLS CO., IDAHO
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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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s) : 22-07314

CERTIFICATE OF MAILING

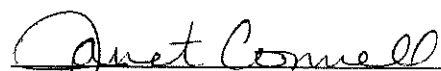
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 14, 2007, with sufficient first-class postage prepaid to the following:

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

M & B ENTERPRISES LTD
PARTNERSHIP
PO BOX 326
ST ANTONY, ID 83445
Phone: 208-652-7340

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

CERTIFICATE OF MAILING

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JANET CONNELL 11/14/07
Deputy Clerk