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DEPARTMENT OF
WATER RESOURCES
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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: 21-00105
_____	)	

I. FINDINGS OF FACT

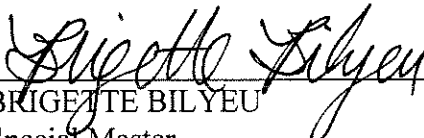
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the USDA Forest Service on May 26, 2006. The *Objection* was resolved on November 16, 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 19, 2007.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-00105

NAME AND ADDRESS: GALE W & ELLEN C CLEMENT
FAMILY LTD PARTNERSHIP
PO BOX 99
LEWISVILLE, ID 83431

ESTATE OF T ROSS CLEMENT
LOUISE CLEMENT
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: TOMS CREEK TRIBUTARY: BUFFALO RIVER
WALL SPRING TRIBUTARY: TOMS CREEK

QUANTITY: 19.80 CFS

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

PRIORITY DATE: 10/15/1900

POINT OF DIVERSION: T13N R43E S25 SENWSE Within Fremont County
S35 SENWNE
R44E S31 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		05-01 TO 10-15	19.80 CFS
Stockwater		05-01 TO 10-15	0.14 CFS

PLACE OF USE: Irrigation Within Fremont County

Section	Subsection	Area (Acres)	Direction	Area (Acres)
T13N R43E S25	LOT 1	8.2	NWNW	27.0
			SWNW	40.0
			NESW	22.0
			SWSW	40.0
S26	LOT 1	18.0	SESW	34.0
			NENE	35.0
			NWNE	33.0
			SENE	40.0
LOT 1	18.0	(NENW)	18.0	
		SWNW	14.0	
		SESW	39.0	
		SESW	39.0	
LOT 1	18.0	NESW	32.0	
		NWSW	9.6	
		SESW	9.4	
		SESE	38.0	
LOT 1	18.0	NESE	40.0	
		SWSE	13.0	
		SESE	38.0	
		SESE	38.0	
623.5 Acres Total				

Stockwater Within Fremont County

Section	Subsection	Area (Acres)	Direction	Area (Acres)
T13N R43E S25	LOT 1	8.2	NWNW	27.0
			SWNW	40.0
			NESW	22.0
			SWSW	40.0
S26	LOT 1	18.0	SESW	34.0
			NENE	35.0
			NWNE	33.0
			SENE	40.0
LOT 1	18.0	(NENW)	18.0	
		SWNW	14.0	
		SESW	39.0	
		SESW	39.0	
LOT 1	18.0	NESW	32.0	
		NWSW	9.6	
		SESW	9.4	
		SESE	38.0	
LOT 1	18.0	NESE	40.0	
		SWSE	13.0	
		SESE	38.0	
		SESE	38.0	

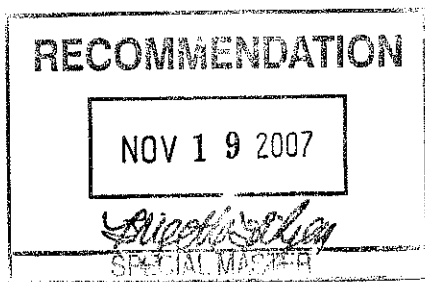
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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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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

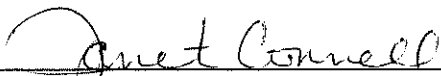
Water Right(s): 21-00105

On November 19, 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 19, 2007.



JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 21-00105

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 19, 2007, with sufficient first-class postage prepaid to the following:

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

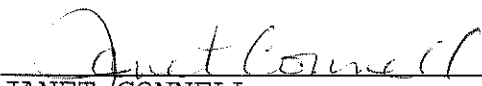
GALE W & ELLEN C CLEMENT
FAMILY LTD PARTNERSHIP
PO BOX 99
LEWISVILLE, ID 83431
Phone: 208-754-8186

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

CERTIFICATE OF MAILING

PAGE 1
11/19/07

ESTATE OF T ROSS CLEMENT
LOUISE CLEMENT
PO BOX 99
LEWISVILLE, ID 83431
Phone: 208-754-8186



JANET CONNELL
Deputy Clerk