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DEPARTMENT OF
WATER RESOURCES

2007 NOV 20 AM 11:56

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 FACT AND CONCLUSIONS OF LAW
Case No. 39576	)	
_____	)	WATER RIGHT NO.: 27-7302

I. FINDINGS OF FACT

A 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 on March 17, 2006 by the United States Bureau of Land Management. A *Response* was filed by Zach C. Miller on May 22, 2006. The United States Bureau of Land Management and Zach C. Miller filed a *Stipulation of Dismissal of Objection and Response* on September 18, 2006. The SRBA court issued an *Order Dismissing Objection and Response* on September 21, 2006. Thus all parties stipulated that this water right proceed to partial decree as recommended.

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 20, 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 27-07302

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: NU-WEST MINING INC
ATTN JON GOODE
3010 CONDA RD
SODA SPRINGS, ID 83276

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WATER RESOURCES

SOURCE: MABEY CREEK TRIBUTARY: DRY VALLEY CREEK

QUANTITY: 150.00 AFY

PRIORITY DATE: 03/04/1982

POINT OF DIVERSION: T08S R44E S09 NESENE Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mining Storage	01-01 TO 12-31	3.60 AFY
	Mining from Storage	01-01 TO 12-31	150.00 AFY

PLACE OF USE: Mining Storage Within Caribou County
Same as Mining from Storage

Mining from Storage Within Caribou County
T08S R44E S09
S10

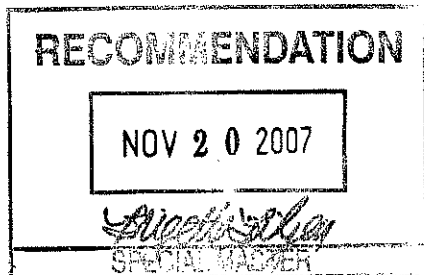
WATER IS USED FOR DUST ABATEMENT ON HAUL ROADS AT THE
MABEY CANYON MINE.

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.



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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 27-07302

On November 20, 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 20, 2007.


JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 27-07302

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 20, 2007, with sufficient first-class postage prepaid to the following:

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

NU-WEST MINING INC
ATTN JON GOODE
3010 CONDA RD
SODA SPRINGS, ID 83276


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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11/20/07