

RECEIVED
DEC 06 2007
DEPARTMENT OF
WATER RESOURCES

2007 DEC -5 AM 11:21
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) Subcases 24-10750 and 74-10763
Case No. 39576) (Porter)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 14, IDWR Basin 24* on November 21, 2006. The Director recommended claim 24-10750 to Joel Porter, 130 N. Court, Memphis, Tennessee, 38103, for .05 cfs from Sage Creek to irrigate 1.8 acres in Caribou County from April 15 to October 31 with a priority date of May 1, 1932, based on beneficial use. The Director recommended claim 24-10763 be disallowed: "No beneficial use found."

Mr. Porter filed *Objections* on January 23, 2007, objecting to nearly all the elements in 24-10750 and 24-10763 not being recommended as claimed. On September 12, 2007, Mr. Porter was granted leave to withdraw his *Objection* in 24-10750 and to amend his claim in 24-10763.

IDWR filed its *Amended Director's Report, Subcase No. 24-10763* on October 25, 2007, recommending the claim for .03 cfs from Crow Creek to irrigate 1.3 acres in Caribou County from April 15 to October 31 with a priority date of May 1, 1914, based on beneficial use. No one objected to the *Amended Director's Report*.

Conclusions of Law

Mr. Porter is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *Amended Director's Report* and the attached *Special*

Master Recommendations for Partial Decrees for Water Rights 24-10750 and 74-10763.

DATED December 5, 2007

A handwritten signature in cursive script, reading "Terrence A. Dolan".

TERRENCE A. DOLAN
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 24-10750

NAME AND ADDRESS: JOEL PORTER
130 N COURT
MEMPHIS, TN 38103

SOURCE: SAGE CREEK TRIBUTARY: CROW CREEK

QUANTITY: 0.05 CFS

PRIORITY DATE: 05/01/1932

POINT OF DIVERSION: T09S R46E S20 NESESW Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Caribou County
T09S R46E S20 SWSE 1.8
1.8 Acres Total

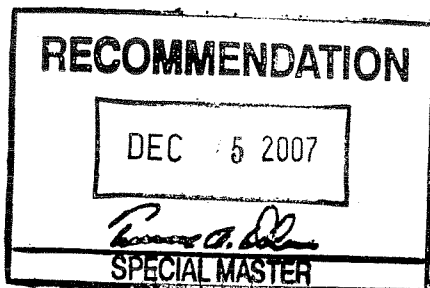
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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)
_____) Water Right 24-10763

NAME AND ADDRESS: JOEL PORTER
 130 N COURT
 MEMPHIS, TN 38103

SOURCE: CROW CREEK TRIBUTARY: SALT RIVER

QUANTITY: 0.03 CFS

PRIORITY DATE: 05/01/1914

POINT OF DIVERSION: T09S R46E S29 NWSWNE Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.03 CFS

PLACE OF USE: Irrigation Within Caribou County
 T09S R46E S29 NWNE 1.3
 1.3 Acres Total

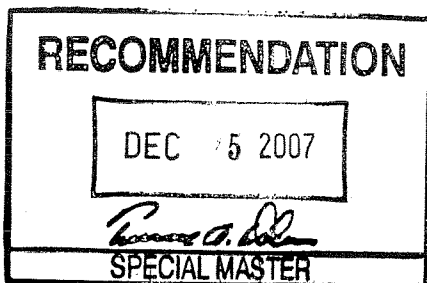
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



2007 DEC -5 AM 11: 22

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 24-10750

24-10763

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 December 05, 2007, with sufficient first-class postage prepaid to the following:

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

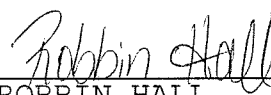
JOEL PORTER

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

JOEL PORTER

130 N COURT
MEMPHIS, TN 38103
Phone: 901-524-5117

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
12/05/07

2007 DEC -5 AM 11: 22

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

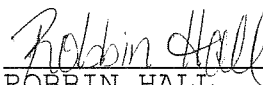
Water Right(s): 24-10750
24-10763

On December 05, 2007, Special Master TERRENCE A. DOLAN 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 December 05, 2007.



ROBBIN HALL
Deputy Clerk