

2007 DEC 13 PM 4 42

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
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 78-02027A,
) 78-10234 (disallowed) and 78-10236

I. FINDINGS OF FACT

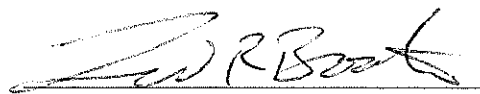
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On May 8, 2007, the claimant of the water rights, Nita Branstetter, filed an objection to the *Director's Report* in subcase 78-02027A. Pursuant to a bench order granting a motion to file an amended notice of claim made at the initial hearing, Mrs. Branstetter filed an amended notice of claim. On October 1, 2007, IDWR filed *Amended Director's Reports* in subcases 78-02027A, 78-10234(disallowed), and 78-10236. No objections were filed to the *Amended Director's Reports*, and the time for doing so has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 78-02027A and 78-10236 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. It is further RECOMMENDED that a final order be entered **disallowing** water right claim 78-10234.

Dated Dec 13, 2007


Theodore R. Booth
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, IDAHO

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 78-10236

FILED
2007 DEC 13 PM 4 42

NAME AND ADDRESS: NITA BRANSTETTER TRUST
NITA BRANSTETTER TRUSTEE
PO BOX 175
NEW MEADOWS, ID 83654

SOURCE: FOURMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.68 CFS

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

PRIORITY DATE: 04/01/1948

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

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.68 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation
T19N R02E S08 NENW 29.0 Within Adams County
34.0 Acres Total NWNW 5.0

Stockwater
T19N R02E S08 NENW Within Adams County
NWNW

Right Nos. 78-2027A and 78-10236 are limited to the
irrigation of a combined total of 34 acres in a single
irrigation season.

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.

RECOMMENDATION

DEC 13 2007

John M. Melanson
SPECIAL MASTER

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

FILED

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 78-02027A

2007 DEC 13 PM 4 42

NAME AND ADDRESS: NITA BRANSTETTER TRUST
NITA BRANSTETTER TRUSTEE
PO BOX 175
NEW MEADOWS, ID 83654

SOURCE: FOURMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.68 CFS

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

PRIORITY DATE: 03/12/1920

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

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.68 CFS
	Stockwater	01-01 TO 12-31	0.07 CFS

PLACE OF USE: Irrigation Within Adams County
T19N R02E S08 NENW 29.0
34.0 Acres Total NWNW 5.0

Stockwater Within Adams County
T19N R02E S08 NENW NWNW

Right Nos. 78-2027A and 78-10236 are limited to the
irrigation of a combined total of 34 acres in a single
irrigation season.

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).

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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

DEC 13 2007

SPECIAL MASTER

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

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

2007 DEC 13 PM 4 42

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

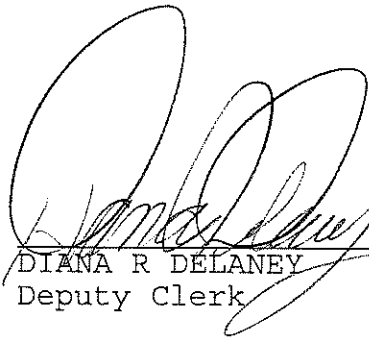
Water Right(s): 78-02027A
78-10234 78-10236

On December 13, 2007, Special Master THEODORE R. BOOTH 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 13, 2007.



DIANA R. DELANEY
Deputy Clerk

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

2007 DEC 13 PM 4 42

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): 78-02027A
78-10234 78-10236

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 13, 2007, with sufficient first-class postage prepaid to the following:

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

NITA BRANSTETTER TRUST
NITA BRANSTETTER TRUSTEE
PO BOX 175
NEW MEADOWS, ID 83654
Phone: 208-347-2374

NITA BRANSTETTER
PO BOX 175
NEW MEADOWS, ID 83654
Phone: 208-347-2374



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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12/13/07