

RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

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

2007 DEC 27 AM 9 46

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) Subcase 73-79
Case No. 39576) (Hayes)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Irrigation & Misc. Claims* on April 27, 2007. The Director recommended claim 73-79 to Scott M. Hayes, 9417 N. Winterwood Lane, Boise, Idaho, 83714, for 3.2 cfs from Lawson Creek to irrigate 184 acres in Custer County from April 1 to October 31 with a priority date of June 20, 1917, based on a decree.

Mr. Hayes filed an *Objection* on June 29, 2007, objecting to place of use. On December 13, 2007, Mr. Hayes, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amend the place of use and 282 acres.

Conclusions of Law

Mr. Hayes is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 73-79*.

DATED December 27, 2007.



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 73-00079

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE, ID 83714

SOURCE: LAWSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.20 CFS

This quantity of this right is all of the flow of Lawson Creek.

PRIORITY DATE: 06/20/1917

POINT OF DIVERSION: T15N R21E S33 NENWSW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T15N R21E S27	NESW 22.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
	S34	NENW 40.0	NWNW 35.0
		SWNW 25.0	SENW 40.0
	282.0 Acres Total		

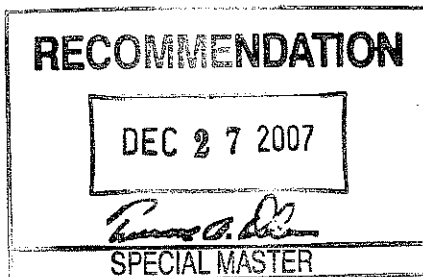
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.

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

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

2007 DEC 27 AM 9 46

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): 73-00079

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 27, 2007, with sufficient first-class postage prepaid to the following:

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

SCOTT M HAYES
9417 N WINTERWOOD
BOISE, ID 83714
Phone: 208-386-9219

SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE, ID 83714
Phone: 208-386-9219



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/27/07

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

2007 DEC 27 AM 9 46

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

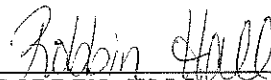
Water Right(s): 73-00079

On December 27, 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 27, 2007.



ROBBIN HALL
Deputy Clerk