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JAN 08 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 7 2008	
By _____	Clerk Deputy Clerk

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
_____	)	WATER RIGHT NO.: 21-4025

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 NFH Board of Directors on May 12, 2006. A *Motion to File Amended Notice of Claim* was filed by the NFH Board of Directors on September 25, 2007. A hearing was held on the *Motion*. There was no opposition to the *Motion*. The *Motion* was **granted**. *Order Granting Motion to File Amended Claim* (November 1, 2007)

After the *Amended Notice of Claim* was filed, IDWR investigated the amended claim. An *Amended Director's Report* was filed. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

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: January 7, 2008.


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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN - 7 2008
By _____ Clerk Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 21-04025

NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS, ID 83402

SOURCE: BLUE CREEK TRIBUTARY: HENRYS-FORK

QUANTITY: 1.83 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 6.68 CFS. COMBINED RIGHT NOS.: 21-7076, 21-7075,
21-12538, 21-12539, 21-2102, 21-2104, 21-2045, AND 21-4025.

PRIORITY DATE: 10/31/1960

POINT OF DIVERSION: T09N R43E S10 NWNENE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	1.83 CFS

PLACE OF USE:	Irrigation	Within Fremont County
	T09N R43E S11	
	NENE 3.3	NWNE 19.0
	SWNE 1.1	SENE 0.3
	NENW 20.0	NWNW 23.0
	SWNW 39.0	SENW 39.0
	NESW 33.0	NWSE 38.0
	215.7 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 101 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215.7 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 21-7076, 21-7075, 21-12538, 21-12539,
21-2102, 21-2104, 21-2045, AND 21-4025.

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).

RECOMMENDATION
JAN - 7 2008
<i>[Signature]</i>

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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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): 21-04025

On January 07, 2008, 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 January 07, 2008.


JANET CONNELL
Deputy Clerk

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_____	Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 21-04025

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 January 07, 2008, with sufficient first-class postage prepaid to the following:

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

NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS, ID 83402

NFH BOARD OF DIRECTORS
C/O CHRISTY KANTACK
PO BOX 360
ASHTON, ID 83420
Phone: 208-200-1707


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/07/08