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JAN 15 2008
DEPARTMENT OF
WATER RESOURCES

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

2008 JAN 14 PM 3 14

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-14903,
) 67-14904, 67-14905, 67-14906, 67-14907,
) and 67-14908;
)
) DISALLOWED CLAIMS 67-00209,
) 67-00210, 67-00211, 67-04066, and
) 67-14900

I. FINDINGS OF FACT

Notices of claim were filed for water right nos. 67-00209, 67-00210, 67-00211, and 67-04066 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.

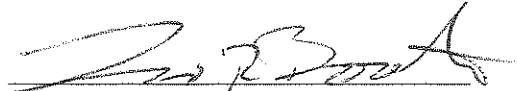
On June 8, 2007, objections to the *Director's Reports* were filed by Creed and Mary Noah, asserting ownership of the water rights, and asserting that the places of use were incorrectly described. On January 11, 2007 the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The *Standard Forms 5* effectuated splits and/or combinations of the water right claims. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 67-14903, 67-14904, 67-14905, 67-14906, 67-14907, and 67-14908 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 the SRBA District Court enter a final order **disallowing** water right numbers 67-00209, 67-00210, 67-00211, 67-04066, and 67-14900.

Dated Jan 14, 2007

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-14903

FILED
2008 JAN 14 PM 3 14

NAME AND ADDRESS: BILL E NOAH
ZOLA A NOAH
2490 W PINE CREEK RD
CAMBRIDGE, ID 83610

SOURCE: WEST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.389 CFS

PRIORITY DATE: 05/01/1893

POINT OF DIVERSION: T15N R03W S31 SESW Within Washington County
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.389 CFS

PLACE OF USE:	Irrigation		Within Washington County
	T15N R03W S31	SESW 7.7	NESE 8.6
		SWSE 19.0	SESE 16.0
	S32	NWSW 6.2	
	57.5 Acres Total		

This right is limited to the irrigation of 31.1 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 57.5 acres in a single irrigation season. Combined Right Nos.: 67-14903, 67-14905, 67-14907.

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

RECOMMENDATION

JAN 14 2008

SPECIAL MASTER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-14904

2008 JAN 14 PM 3 14

NAME AND ADDRESS: CREED A NOAH
MARY NOAH
3039 HWY 71
CAMBRIDGE, ID 83610

SOURCE: WEST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.011 CFS

PRIORITY DATE: 05/01/1893

POINT OF DIVERSION: T15N R03W S31 SESW Within Washington County
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.011 CFS

PLACE OF USE: Irrigation Within Washington County
T15N R03W S31 NESE 1.6
1.6 Acres Total

This right is limited to the irrigation of 0.9 acre 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 1.6 acres in a single irrigation season. Combined Right Nos.: 67-14904, 67-14906, and 67-14908.

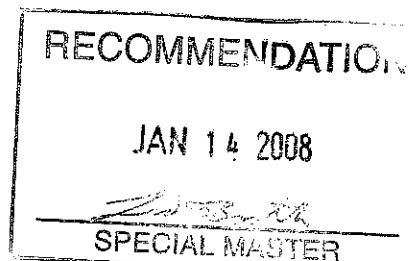
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



CT. OF THE : COUNTY : CALIF.
FALLS : FALLS CO., 1911/10

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Jan-11-2008

DISTRICT COURT OF THE 5TH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JAN 14 2006

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-14906

NAME AND ADDRESS: CREED A NOAH
MARY NOAH
3039 HWY 71
CAMBRIDGE, ID 83610

SOURCE: WEST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.01 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION: T15N R03W S31 SWSE Within Washington County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Washington County
T15N R03W S31 NESE 1.6
1.6 Acres Total

The rights listed below are limited to the irrigation of a combined total of 1.6 acres in a single irrigation season. Combined Right Nos.: 67-14904, 67-14906, and 67-14908.

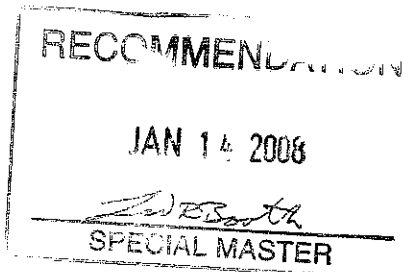
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

DISTRICT COURT OF IDAHO
TWIN FALLS COUNTY
FILED

2008 JAN 14 PM 3 14

In Re SRBA)
PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 67-14907

NAME AND ADDRESS: BILL E NOAH
ZOLA A NOAH
2490 W PINE CREEK RD
CAMBRIDGE, ID 83610

SOURCE: WEST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.506 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T15N R03W S31 SWSE Within Washington County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.506 CFS

PLACE OF USE:	Irrigation		Within Washington County
	T15N R03W S31	SESW 7.7	NESE 8.6
		SWSE 19.0	SESE 16.0
	S32	NWSW 6.2	
	57.5 Acres Total		

This right is limited to the irrigation of 40.5 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 57.5 acres in a single irrigation season. Combined Right Nos.: 67-14903, 67-14905, 67-14907.

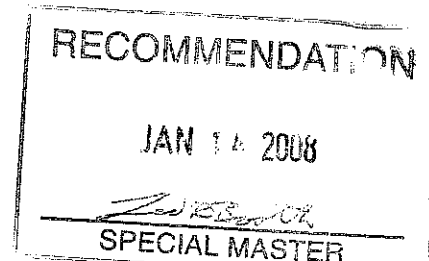
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-14908

2008 JAN 14 PM 3 15

NAME AND ADDRESS: CREED A NOAH
MARY NOAH
3039 HWY 71
CAMBRIDGE, ID 83610

SOURCE: WEST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.014 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T15N R03W S31 SESW Within Washington County
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.014 CFS

PLACE OF USE: Irrigation Within Washington County
T15N R03W S31 NESE 1.6
1.6 Acres Total

This right is limited to the irrigation of 1.1 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 1.6 acres in a single irrigation season. Combined Right Nos.: 67-14904, 67-14906, 67-14908.

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

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

RECOMMENDATION

JAN 14 2008

Les B. Booth
SPECIAL MASTER

RECEIVED 00070-SRBA
TWIN FALLS CO., IDAHO
FILED

2008 JAN 14 PM 3 15

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

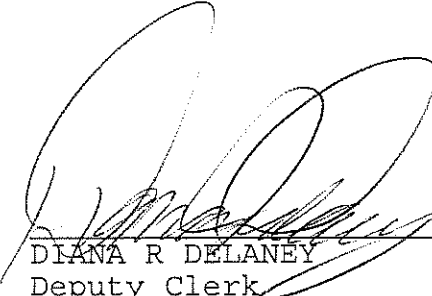
Water Right(s): 67-14903
67-14904 67-14905 67-14906
67-14907 67-14908

On January 14, 2008, Special Master JOHN M MELANSON
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 14, 2008.



DIANA R DELANEY
Deputy Clerk

FILED
TWIN FALLS CO., IDAHO
JAN 14 2008

2008 JAN 14 PM 3 15

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): 67-14903
67-14904 67-14905 67-14906
67-14907 67-14908

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 14, 2008, with sufficient first-class postage prepaid to the following:

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

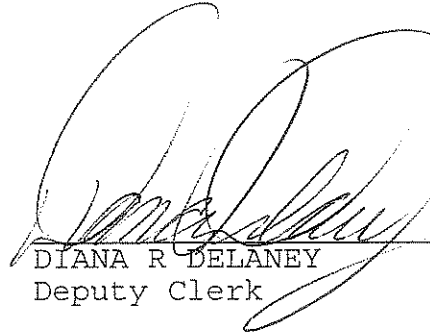
BILL E NOAH
ZOLA A NOAH
2490 W PINE CREEK RD
CAMBRIDGE, ID 83610

KATHRYN A NOAH
RANDY E NOAH
2874 WARFIELD RD
CAMBRIDGE, ID 83610

CERTIFICATE OF MAILING

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01/14/08

CREED A NOAH
MARY NOAH
3039 HWY 71
CAMBRIDGE, ID 83610



DIANA R DELANEY
Deputy Clerk