

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 16 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	)	Subcase 74-784
	)	(Herod)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

On June 22, 2006, SRBA Presiding Judge John M. Melanson entered an *Order Granting Motion to File Late Notice of Claim* in the above subcase. IDWR then filed its *Director's Report for Late Claims, Irrigation & Misc. Claims* on April 27, 2007, recommending the claim to Irvin B. Herod, 1551 Sonoma Avenue, Seaside, California, 93955, for .02 cfs from Kenney Creek to irrigate 1 acre from March 15 to November 15 with a priority date of July 19, 1893, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on July 2, 2007, objecting to place of use. On January 3, 2008, Mr. Herod and the United States, with IDWR's concurrence, filed a *Standard Form 5* amending the zip code and adding the remark: "Place of use does not include federal public lands."

Conclusions of Law

Mr. Herod 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 74-784*.

DATED January 16, 2008.


 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 74-00784

NAME AND ADDRESS: IRVIN B HEROD
1551 SONOMA AVE
SEASIDE, CA 93955

SOURCE: KENNEY CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 07/19/1893

POINT OF DIVERSION: T20N R24E S29 SWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R24E S31 NWNE 1.0
1.0 Acres Total

Place of use does not include federal public lands.

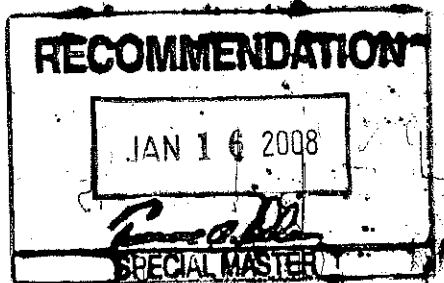
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - SPCA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 16 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 74-00784

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 16, 2008, with sufficient first-class postage prepaid to the following:

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

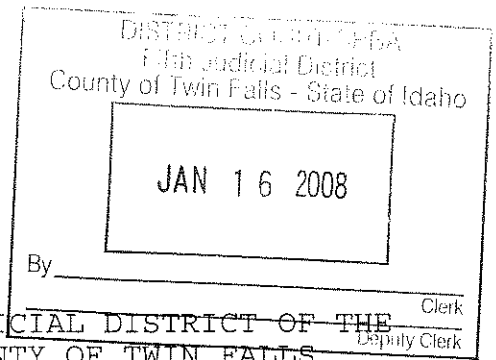
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

IRVIN B HEROD
1551 SONOMA AVE
SEASIDE, CA 93955
Phone: 831-394-2412

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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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): 74-00784

On January 16, 2008, 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 January 16, 2008.


ROBBIN HALL
Deputy Clerk