

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 01-00108

NAME AND ADDRESS: LIBERTY PARK IRRIGATION CO INC  
C/O NICK THOMASON  
5293 S 4300 W  
REXBURG, ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 38.00 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T04N R40E S06 LOT 7 (SWSW ) Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 38.00 CFS |

PLACE OF USE:

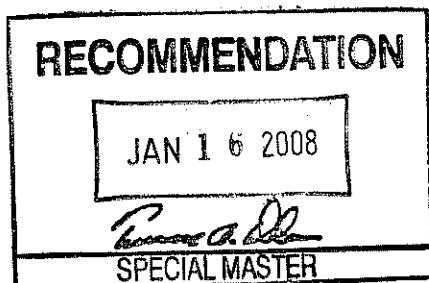
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the area served by Liberty Park Irrigation Company.  
4229 ACRES TOTAL

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<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 16 2008                                                                             |              |
| By <u>RA</u>                                                                            | 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     | ) Subcases 01-104, et al.             |
|                | ) (see list of 7 subcases attached)   |
| Case No. 39576 | ) (Liberty Park Irrigation Co., Inc.) |
|                | )                                     |
| _____          | ) SPECIAL MASTER REPORT               |

**Findings of Fact**

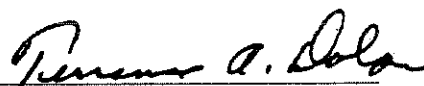
The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area Basin 01, IDWR Part 2* on December 19, 2006. The Director recommended the above 7 claims to the Liberty Park Irrigation Company, Inc., c/o Nick Thomason, 5293 South, 4300 West, Rexburg, Idaho, 83440, for between 8 cfs and 38 cfs from the Snake River to irrigate 4,229 acres in Madison County from April 1 to October 31 with priority dates between June 1, 1885, and April 1, 1939, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on April 18, 2007, objecting to place of use. On January 11, 2008, the Irrigation Company and the USDI / BLM, with IDWR's concurrence, filed *Standard Forms 5* agreeing to the digital boundary of the area served by Irrigation Company and removing federal public land from the digital boundary.

**Conclusions of Law**

The Liberty Park Irrigation Company, Inc., is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED January 16, 2008.

  
 \_\_\_\_\_  
 TERRENCE A. DOLAN  
 Special Master  
 Snake River Basin Adjudication

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 01-00104

|          |          |          |
|----------|----------|----------|
| 01-00105 | 01-00106 | 01-00107 |
| 01-00108 | 01-00253 | 01-00316 |

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

CERTIFICATE OF MAILING

PAGE 1  
01/16/08

LIBERTY PARK IRRIGATION CO INC  
C/O NICK THOMASON  
5293 S 4300 W  
REXBURG, ID 83440  
Phone: 208-356-5791

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT SRBA<br>Fifth Judicial District<br>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 )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

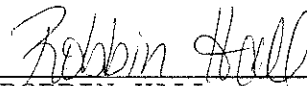
Water Right(s): 01-00104  
01-00105    01-00106    01-00107  
01-00108    01-00253    01-00316

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



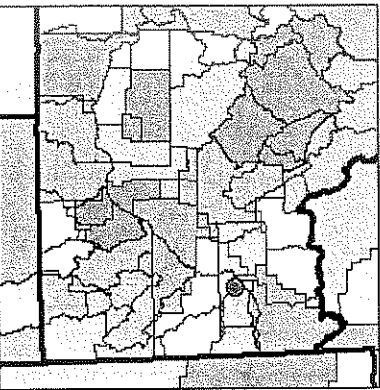
# Liberty Park Irrigation Co Inc

SRBA Recommendations: 1-104, 1-105, 1-106, 1-107, 1-108, 1-253, 1-316

Service Area Boundary  
GIS Place of Use Illustration

## Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Jefferson, Madison Counties  
IDWR Basin 1



Prepared by D. Favreau  
On Thursday, December 20, 2007  
1987/88 Aerial Photography

