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FEB 06 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 5 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
Case No. 39576)	RECOMMENDATION; FINDINGS OF
)	FACT AND CONCLUSIONS OF LAW
)	
_____)	FOR WATER RIGHT: 37-2609B

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 on November 8, 2007 by Chaney Creek Ranch, LLC, in the above listed subcase. A *Motion to Withdraw Objection* was filed on November 13, 2007 by Chaney Creek Ranch, LLC, stating that the heading to this *Objection* included a typographical error and that the subcase should have been designated 37-2609A. There was no opposition to the *Motion*. The court **granted** the *Motion to Withdraw Objection*. **Order Dismissing Objection** (February 5, 2008) There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

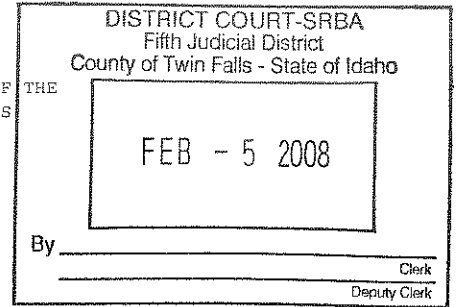
Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the *Special Master's Recommendation for Partial Decree*.

DATED: February 5, 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



In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02609B

NAME AND ADDRESS: THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM, ID 83340

SOURCE: GROUND WATER

QUANTITY: 1.41 CFS
265.30 AFY

The rights listed below are limited to a total combined diversion rate of 6.84 cfs and to a total combined annual diversion volume of 1106.8 AF. Combined Right Nos.: 37-2609B, 37-2618, and 37-7800. Right Nos. 37-2609B and 37-2618 are limited to a total combined diversion rate of 3.26 cfs and to a total combined annual diversion volume of 569.8 AP.

PRIORITY DATE: 10/08/1958

POINT OF DIVERSION: T01S R19E S22 SWSESW Within Blaine County
 SWSESW (Injection)
 S27 NENESE (Rediversion)

Water diverted under this right is injected into Silver Creek at the point of injection described above and rediverted from Silver Creek at the point of rediversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.41 CFS 265.30 AFY

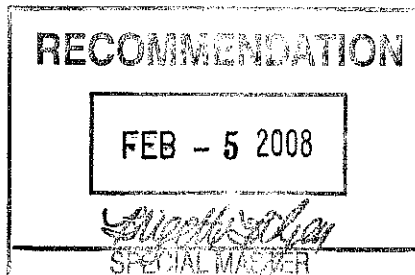
PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S27	SWNE 15.0 SENE 5.8 NESE 34.0 NWSE 21.0
	75.8 Acres Total	

Right Nos. 37-2609B and 37-2618 are limited to the irrigation of a combined total of 162.8 acres in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 341.8 acres in a single irrigation season. Combined Right Nos.: 37-2609B, 37-2618, and 37-7800.

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

The remainder of this right was forfeited for non-use from 1974 to 1987.

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

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In Re SRBA)
)
 Case No. 39576)
)
 _____)

NOTICE OF ISSUANCE OF
 SPECIAL MASTER'S
 RECOMMENDATION


 Water Right(s): 37-02609B

On February 05, 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 February 05, 2008.



 JANET CONNELL
 Deputy Clerk

