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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 27 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 02-2269
Case No. 39576) (South Elmore Irrigation Co.)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to the South Elmore Irrigation Company, P.O. Box 396, Mountain Home, Idaho, 83647, for 87.11 cfs from the Snake River to irrigate 5,645 acres in Elmore County from March 1 to October 31 with a priority date of February 19, 1964, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 5, 2007, objecting to place of use. On February 15, 2008, the Irrigation Company and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

The South Elmore Irrigation Company 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 02-2269*.

DATED February 27, 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 02-02269

NAME AND ADDRESS: SOUTH ELMORE IRRIGATION CO
PO BOX 396
MOUNTAIN HOME, ID 83647

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 87.11 CFS
22580.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 131.14 CFS. COMBINED RIGHT NOS.: 2-2210,
2-2269, 2-2345, 2-2367, 2-7255, 2-7263, & 2-7317.
USE OF THIS RIGHT WITH RIGHT NO. 2-2367 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 87.11 CFS.

PRIORITY DATE: 02/19/1964

POINT OF DIVERSION: T05S R07E S28 LOT 2 (NESW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 10-31	87.11 CFS 22580.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO
AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Elmore County
	T05S R06E S01 LOT 1	LOT 2
	(NENE) 30.0	(NWNE) 38.0
	SWNE 40.0	SENE 39.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 39.0
	S03 LOT 1	LOT 2
	(NENE) 39.0	(NWNE) 39.0
	SWNE 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 39.0
	S10	
	NENE 38.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 39.0	SESE 39.0
	S11	
	NENE 40.0	SWNE 40.0
	SENE 40.0	SWSW 39.0
	NESE 40.0	NWSE 40.0
	SWSE 39.0	SESE 39.0
	S12	
	NENE 39.0	NWNE 40.0
	SWNE 40.0	SENE 39.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 39.0	SESW 39.0
	NESE 39.0	NWSE 40.0
S13	SWSE 39.0	SESE 38.0
	NENE 38.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 35.0	NWNW 39.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 38.0	NWSE 40.0
	SWSE 37.0	SESE 39.0
S14	NENE 39.0	NWNE 39.0
	SWNE 40.0	SENE 40.0
	NENW 21.0	NWNW 26.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S15	SWNE 36.0	SENE 37.0
	SWNW 17.0	SENE 2.0
	NESE 30.0	NWSE 31.0
	SWSE 30.0	SESE 30.0
S16	NENE 32.0	NWNE 32.0
	SWNE 32.0	SENE 32.0
	NESW 16.0	NWSW 14.0
	NESE 6.0	NWSE 11.0
S22	NENE 30.0	SENE 30.0
	NESW 12.0	NESW 19.0
	NWSW 4.0	NWSW 19.0
	SWSW 21.0	SESW 24.0
	NESE 30.0	SESE 30.0
S23	NENE 40.0	NWNE 40.0
	SWNE 30.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESE 35.0	NWSE 14.0
S24	NENE 39.0	SENE 19.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 24.0
	NWSW 35.0	
R07E S17	NESW 40.0	NWSW 36.0
	NWSE 24.0	
S18	NESE 22.0	
S20	SWSW 20.0	SESW 37.0
	NESE 39.0	NWSE 40.0
	SWSE 39.0	
S21	NENE 39.0	NWNE 40.0
	SWNE 40.0	SENE 34.0
	NESW 40.0	NWSW 36.0
S22	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
5645.0 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

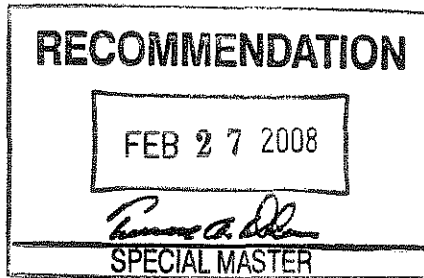
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 27 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): 02-02269

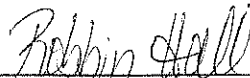
CERTIFICATE OF MAILING

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 February 27, 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

SOUTH ELMORE IRRIGATION CO
PO BOX 396
MOUNTAIN HOME, ID 83647
Phone: 208-587-4412



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 27 2008	
By _____	Clerk Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

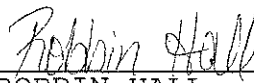
Water Right(s): 02-02269

On February 27, 2008, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 27, 2008.



ROBBIN HALL
Deputy Clerk