

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 45-13623

NAME AND ADDRESS: DEAN H KOYLE
MARILYN J KOYLE
1044 S 175 E
BURLEY, ID 83318

SOURCE: WILLOW CREEK TRIBUTARY: SINKS

QUANTITY: 1.06 CFS

The amount of water diverted under the following water rights may not exceed 50% or one half of the stream flow of Willow Creek. Combined Right Nos.: 45-166A, 45-166B, 45-167A, 45-167B, 45-11928, 45-13421, 45-13623, 45-13631, & 45-13632.
The amount of water diverted under this water right and right 45-166B when combined may not exceed 12.5% or 1/8 of the stream flow of Willow Creek at the point of diversion described below at any given time.

PRIORITY DATE: 03/15/1955

POINT OF DIVERSION: T12S R23E S26 SWNESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.06 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R23E S03	NWSW 20.0
	S04	SESE 19.0
	S09	NENE 20.0
		SENE 20.0
		NESE 15.0
	S10	NWNW 17.0
		SWNW 31.0
		NWSW 35.0
	S15	NWNW 33.0
	240.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-166B, 45-4264, & 45-13623.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

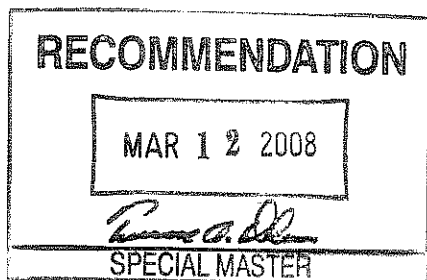
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho Code.

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

RECEIVED

MAR 13 2008
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2008	
By <u>[Signature]</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 45-166A, 45-166B, 45-13421,
	) 45-13623, 45-13631 and 45-13632
Case No. 39576	) (Lambert Produce, Inc., Lambert
	) Produce Co., Inc., Koyles and Cory
	) L. King)
	)
_____	) SPECIAL MASTER REPORT

Findings of Fact

On February 27, 2008, SRBA Presiding Judge John M. Melanson entered a *Memorandum Decision and Order on Challenge (Poulton v. Rose), Order of Partial Decree* in subcase 45-167A (Leah Rose). The *Order* affirmed the *Special Master Report and Recommendation* in the subcase that the water right was not forfeited or abandoned and concluded proceedings in the matter before the SRBA Court. IDWR identified the above six claims as uncontested overlapping claims to subcase 45-167A.

Conclusions of Law

Lambert Produce, Inc., P.O. Box 793, Blackfoot, Idaho, 83221, Dean and Marilyn Koyle, 1044 South, 175 East, Burley, Idaho, 83318, Lambert Produce Co., Inc., c/o Cory King, 203 East, 1100 South, Burley, Idaho, 83318, and Cory L. King, 237 East, 1100 South, Burley, Idaho, 83318, are entitled to partial decrees adjudicating water rights as recommended by IDWR in the *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* filed on September 7, 2004, and as described in IDWR's *Notice of Completed Administrative Proceeding* filed in subcases 45-166A, 45-13631 and 45-13632 on February 6, 2008, and the attached *Special Master Recommendations for Partial Decrees for Water Rights*:

45-166A – Lambert Produce, Inc.

45-166B – Koyles

45-13421 – Lambert Produce Co., Inc., and Cory L. King

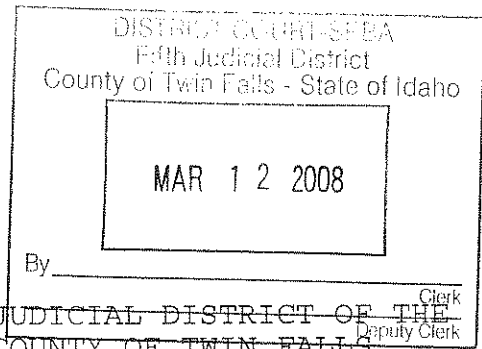
45-13623 – Koyles

45-13631 – Lambert Produce, Inc.

45-13632 – Lambert Produce, Inc.

DATED March 12, 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 45-00166A
45-00166B 45-13421 45-13623
45-13631 45-13632

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 March 12, 2008, with sufficient first-class postage prepaid to the following:

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

LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
BURLEY, ID 83318
Phone: 208-678-2668

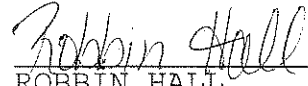
LAMBERT PRODUCE INC
PO BOX 793
BLACKFOOT, ID 83221

DEAN H KOYLE
MARILYN J KOYLE
1044 S 175 E
BURLEY, ID 83318
Phone: 208-678-5789

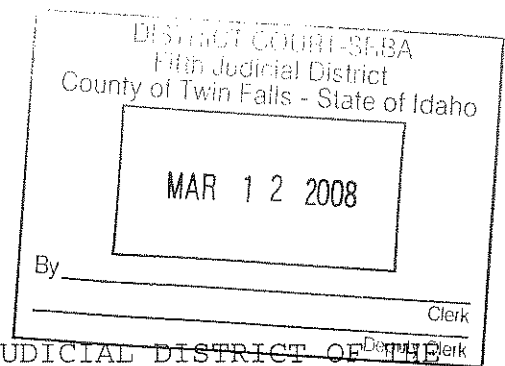
CERTIFICATE OF MAILING

PAGE 1
03/12/08

CORY L KING
237 E 1100 S
BURLEY, ID 83318
Phone: 208-678-2668



ROBBIN HALL
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

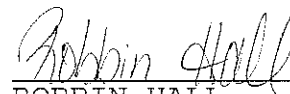
Water Right(s): 45-00166A
45-00166B 45-13421 45-13623
45-13631 45-13632

On March 12, 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 March 12, 2008.



ROBBIN HALL
Deputy Clerk