

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2008	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 63-32398

NAME AND ADDRESS: CYNTHIA MUELLER
MICHAEL COHEN
24431 HAWK LN
MIDDLETON, ID 83644

SOURCE: GROUND WATER

QUANTITY: 0.03 CFS
9.00 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION: T01N R01W S21 SWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.03 CFS 9.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Ada County
T01N R01W S21 SENE 2.0
2.0 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

RECOMMENDATION
MAR 12 2008
<i>John M. Melanson</i>
SPECIAL MASTER

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MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 12 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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32094,
) 63-32397, 63-32398, 63-32399, 63-32400,
) 63-32401, 63-32654, 63-32655, 63-32656,
) 63-32677, 63-32893, and 63-32894
)
) DISALLOWED NOS. 63-32396, 63-32653,
) and 63-32676

I. FINDINGS OF FACT

A notice of claim was filed for water right 63-07194 by Ralph Mellin. Subsequent to the filing of the claim, the right was split into water rights 63-32093 and 63-32094. Water right 63-32093 was then split into rights 63-32396, 63-32397, 63-32398, 63-32399, 63-32400, and 63-32401. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water rights 63-32396, 63-32397, 63-32398, 63-32399, 63-32400, and 63-32401.

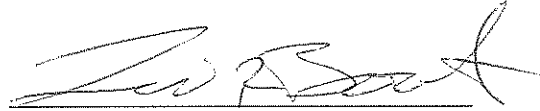
On June 14, 2007, Mellin Properties Limited Partnership filed an objection to the *Director's Report* for water right 63-32396. Water right 63-32396 was split into water rights 63-32653, 63-32654, 63-32655, and 63-32656. Water right 63-32653 was split into water rights 63-32676 and 32677. Water right 63-32676 was split into water rights 63-32893 and 63-32894. On March 6, 2008, Mellin Properties Limited Partnership filed a *Notice of Withdrawal of Objection* in subcase 63-32893.

II. CONCLUSIONS OF LAW

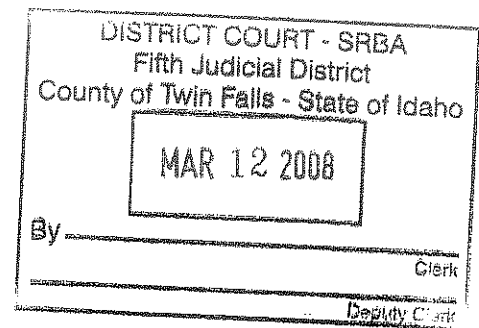
Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 63-32094, 63-32397, 63-32398, 63-32399, 63-32400, 63-

32401, 63-32654, 63-32655, 63-32656, 63-32677, 63-32893, and 63-32894 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right numbers 63-32396, 63-32653, and 63-32676.

Dated March 12 2008



Theodore R. Booth
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-32094
(SEE ATTACHED EXHIBIT A)

On March 12, 2008, Special Master THEODORE R. BOOTH 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.

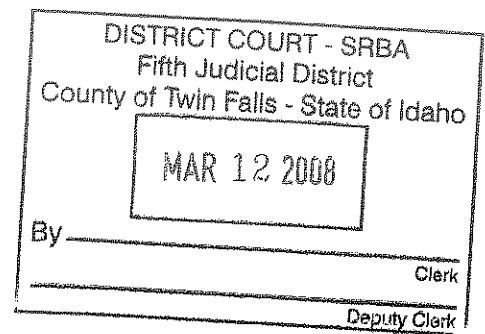
DATED March 12, 2008.

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-32094
63-32396
63-32397
63-32398
63-32399
63-32400
63-32401
63-32653
63-32654
63-32655
63-32656
63-32676
63-32677
63-32893
63-32894



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): 63-32094
(SEE ATTACHED EXHIBIT A)

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

MELLIN PROPERTIES LIMITED
PARTNERSHIP
RALPH MELLIN, GENERAL PARTNER
4500 N TUMBLEWEED LN
BOISE, ID 83713-2500
Phone: 208-322-7500

PEREGRINE SPRINGS LTD CO
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CERTIFICATE OF MAILING

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03/10/08

MELLIN PROPERTIES LP

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

TUSCANY DEVELOPMENT INC
C/O GREG JOHNSON
PO BOX 344
MERIDIAN, ID 83680
Phone: 208-888-9946

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150
Phone: 801-240-4074

PARAMOUNT LLC
12601 W EXPLORER DR STE 200
BOISE, ID 83713

EAGLE PRECAST COMPANY
20059 SIMPLOT BLVD
CALDWELL, ID 83607
Phone: 208-454-8116

SHAWN MIKELSON
20755 RODEO LN
WILDER, ID 83676

CYNTHIA MUELLER
MICHAEL COHEN
24431 HAWK LN
MIDDLETON, ID 83644
Phone: 208-286-0725

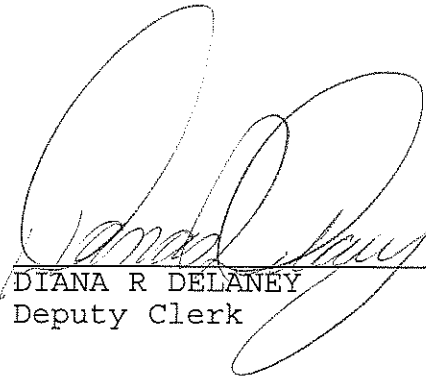
JASON BLANDFORD
MARCI BLANDFORD
25513 WAGNER RD
CALDWELL, ID 83607

ELIZABETH DUESMAN
KEVIN G DUESMAN
3555 E BARBER DR
BOISE, ID 83716
Phone: 208-343-3714

BERNARD CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL, ID 83605

PEREGRINE SPRINGS LTD CO
726 S VISTA AVE
BOISE, ID 83705

DELMY LYNN
SEAN LYNN
7756 LOMA LINDA RIDGE RD
NAMPA, ID 83686-5885
Phone: 208-461-0038



DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-32094
63-32396
63-32397
63-32398
63-32399
63-32400
63-32401
63-32653
63-32654
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