

DISTRICT COURT-SEBA
TWIN FALLS CO., IDAHO
FILED.

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 37-1175
	)	

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.

A *Motion to File Amended Notice of Claim* was filed by Justice Ditch Co. on October 2, 2006. An *Amended Director's Report* was filed on December 11, 2006. The *Amended Director's Report* was placed on the Docket Sheet. An *Objection* was filed by Gary & Helen DeMoss on January 29, 2007. The *Objection* was resolved with the filing of a *Stipulation to Resolve Objection* filed by Gary & Helen Demoss on October 1, 2007. All parties to the subcase and IDWR are signatories to the *Stipulation to Resolve Objection* indicating their concurrence.

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

Brigette Bilyeu
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 37-01175

2008 MAR 31 PM 4:06

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JUSTICE DITCH CO
C/O FRANK ERWIN
2628 S 975 E
HAGERMAN, ID 83332

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.34 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described
for stockwater purposes at a point of measurement where the
delivery ditch enters the place of use described.

PRIORITY DATE: 04/01/1906

POINT OF DIVERSION: T06S R14E S30 SESW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.34 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T06S R13E S35	NENE 15.0 SWNE 25.0 SENE 40.0 SENW 14.0 NESW 23.0 NESE 40.0 NWSE 40.0 SWSE 33.0 SESE 40.0
	S36	NENE 11.0 NWNE 7.8 NENW 19.0 NWNW 20.0 SWSW 17.0
	T07S R13E S01 LOT 2 (SWNE) 33.0 LOT 1 (SENE) 33.0	
	410.8 Acres Total	

Stockwater Within Gooding County
Same as Irrigation

Right nos. 37-1160, 37-1175 and 37-4091 are limited to the
irrigation of a combined total of 410.8 acres in a single
irrigation season.

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

Delivery of this right is subject to the water exchange
provisions contained in Bureau of Reclamation contract no.
14-06-W-73, executed October 14, 1954, between the United States
of America and American Falls Reservoir District No. 2, as
supplemented by Bureau of Reclamation contract no.
14-06-100-6031, executed June 1, 1962, between and among the
United States of America, American Falls Reservoir District No.
2, and the Big Wood Canal Company.

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

RECOMMENDATION

MAR 31 2008

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

OTHER PROVISIONS (continued)

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 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

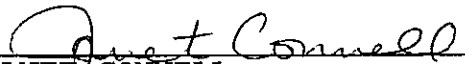
Water Right(s): 37-01175

On March 31, 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 March 31, 2008.


JANET CONNELL
Deputy Clerk

2008 MAR 31 PM 4:06

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TWIN FALLS CO., IDAHO
FILED

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): 37-01175

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 31, 2008, with sufficient first-class postage prepaid to the following:

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

GARY & HELEN DEMOSS
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO
Represented by:
STATE OF IDAHO
700 W JEFFERSON ROOM 210
P O BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

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HAGERMAN, ID 83332

MICHAEL & SUSAN VOS
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TOM ANDERSON
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FRANK & PEGGY ERWIN
FRANK C ERWIN
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JANET CONNELL
Deputy Clerk