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DEPARTMENT OF  
WATER RESOURCES

2008 APR 17 AM 11:02

DISTRICT COURT-SRBA  
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 ) Subcases 01-10388 and 01-10392  
Case No. 39576 ) (Allred Brothers Partnership)  
 )  
 ) SPECIAL MASTER REPORT  
 )  
\_\_\_\_\_ )

**Findings of Fact**

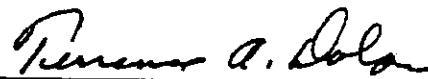
The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area Basin 01, IDWR Part 2* on December 19, 2006. The Director recommended both claims filed by Allred Brothers Partnership, 3852 East, 12 North, Rigby, Idaho, 83442, be disallowed: "No beneficial use found" and "Change in use; insufficient evidence of date of change."

William E. Allred filed *Objections* on March 23, 2007, objecting to quantity, place of use and the claims not being recommended as claimed. On April 16, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* for an address change. On April 16, 2008, the Partnership, with IDWR's concurrence, filed *Standard Forms 5* agreeing to .69 cfs and 1.17 cfs from the Snake River to irrigate 65.5 acres in Madison County from April 1 to October 31 with priority dates of May 6, 1971, and June 1, 1887, based on beneficial use and a decree.

**Conclusions of Law**

The Allred Brothers Partnership is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 01-10388 and 01-10392*.

DATED April 17, 2008.

A handwritten signature in cursive script, reading "Terrence A. Dolan".

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 01-10388

NAME AND ADDRESS: ALLRED BROTHERS PARTNERSHIP  
3852 E 12 N  
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.69 CFS

RIGHT NOS. 1-10392 AND 1-10388 ARE LIMITED TO A TOTAL COMBINED  
DIVERSION REATE OF 1.17 CFS.

PRIORITY DATE: 05/06/1971

POINT OF DIVERSION: T04N R40E S06 LOT 7 (SWSW ) Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.69 CFS |

| PLACE OF USE: | Irrigation       | Within Madison County |
|---------------|------------------|-----------------------|
|               | T05N R39E S21    | NWSE 2.5              |
|               | NESE 1.0         | SESE 34.0             |
|               | SWSE 28.0        |                       |
|               | 65.5 Acres Total |                       |

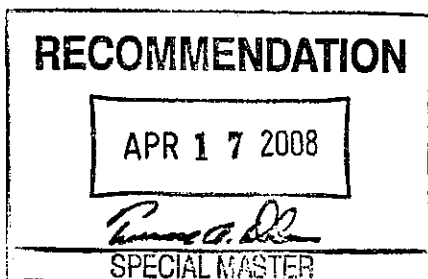
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.  
RIGHT NOS. 1-10392 AND 1-10388 ARE LIMITED TO THE IRRIGATION OF  
A COMBINED TOTAL OF 65.5 ACRES IN A SINGLE IRRIGATION SEASON.

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. 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

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 01-10392

NAME AND ADDRESS: ALLRED BROTHERS PARTNERSHIP  
3852 E 12 N  
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.17 CFS

RIGHT NOS. 1-10392 AND 1-10388 ARE LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 1.17 CFS.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION: T04N R40E S06 LOT 7 (SWSW ) Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.17 CFS |

| PLACE OF USE: | Irrigation       | Within Madison County |
|---------------|------------------|-----------------------|
|               | T05N R39E S21    | NWSE 2.5              |
|               |                  | SWSE 28.0             |
|               |                  | SESE 34.0             |
|               | 65.5 Acres Total |                       |

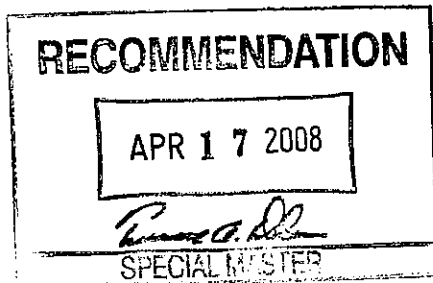
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.  
RIGHT NOS. 10392 AND 1-10388 ARE LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 65.5 ACRES IN A SINGLE IRRIGATION SEASON.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 31 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. 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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s) : 01-10388

01-10392

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 April 17, 2008, with sufficient first-class postage prepaid to the following:

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

ALLRED BROTHERS  
C/O WILLIAM E ALLRED  
3852 E 12 N  
RIGBY, ID 83442  
Phone: 208-745-6976

ALLRED BROTHERS PARTNERSHIP  
WILLAM E ALLRED  
3852 E 12 N  
RIGBY, ID 83442  
Phone: 208-745-6976

CERTIFICATE OF MAILING

  
ROBBIN HALL  
Deputy Clerk

PAGE 1  
04/17/08

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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

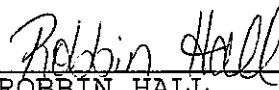
Water Right(s): 01-10388  
01-10392

On April 17, 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 April 17, 2008.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk