

2008 MAY 21 PM 3:24

DISTRICT COURT-SREA
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	)	Subcase 01-18C
	)	(Clement Enterprises)
Case No. 39576	)	
	)	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 the claim to Clement Enterprises, P.O. Box 99, Lewisville, Idaho, 83431, for 3.4 cfs from the Snake River to irrigate 272 acres in Bonneville County from April 1 to October 31 with a priority date of January 12, 1889, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on April 17, 2007, objecting to place of use. On April 29, 2008, Clement Enterprises 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

Clement Enterprises 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 01-18C*.

DATED May 21, 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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 01-00018C

NAME AND ADDRESS: CLEMENT ENTERPRISES
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.40 CFS

PRIORITY DATE: 01/12/1889

POINT OF DIVERSION: T04N R37E S35 NENE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.40 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T03N R37E S01	LOT 8 (NWSW) 1.0
	LOT 8 (SWSW) 15.0	SWSW 0.9
	S02 LOT 13 (NWNE) 12.0	NWNE 0.2
	LOT 4 (NWNE) 2.5	LOT 14 (SWNE) 19.0
	LOT 14 (SENE) 4.0	LOT 4 (NENW) 2.5
	LOT 1 (NESE) 15.0	LOT 16 (NESE) 8.2
	LOT 16 (NWSE) 5.1	LOT 2 (NWSE) 10.0
	SWSE 3.1	SESE 37.0
	S11 NENE 30.0	SENE 8.5
	NESE 4.0	
	S12 LOT 8 (NENW) 4.1	LOT 8 (NWNW) 33.0
	LOT 7 (SWNW) 33.0	LOT 7 (SENE) 0.1
	LOT 6 (NWSW) 22.0	
	272.0 Acres Total	

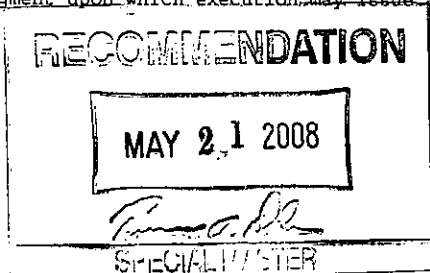
Place of use does not include federal public lands.

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
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 Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 01-00018C

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 May 21, 2008, with sufficient first-class postage prepaid to the following:

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

CLEMENT ENTERPRISES

Represented by:

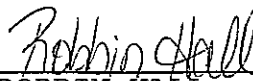
KENT W. FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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Water Right(s): 01-00018C

ROBBIN HALL
Deputy Clerk