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MAY 22 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 21 PM 2:02

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) Subcase 01-226B
) (Johnson)
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 claim 01-226B be disallowed: "Change in use; insufficient evidence of date of change." Wydell Johnson, 181 North, 4600 East, Rigby, Idaho, 83442, filed an *Objection* on January 8, 2007, objecting the claim being recommended disallowed.

IDWR filed an *Amended Director's Report* on March 31, 2008, recommending the claim to Mr. Johnson for .2 cfs from the Snake River to irrigate 8.6 acres in Jefferson County from April 1 to October 31 with a priority date of June 1, 1890, based on a decree. No one objected to the amended recommendation.

Conclusions of Law

Mr. Johnson is entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 01-226B*.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 01-00226B

NAME AND ADDRESS: WYDELL JOHNSON
181 N 4600 E
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
WATER IS DELIVERED FROM THE DRY BED.

QUANTITY: 0.20 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T04N R40E S29 NENENW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS

PLACE OF USE: Irrigation Within Jefferson County
T04N R40E S30 NWNE 8.6
8.6 Acres Total

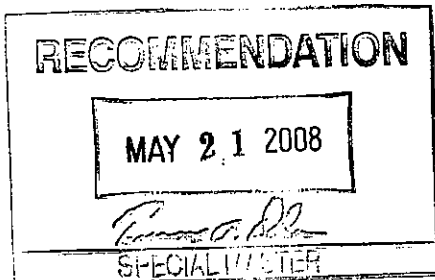
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 01-00226B

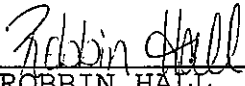
CERTIFICATE OF MAILING

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

WYDELL JOHNSON

Represented by:
OLSEN, NATHAN M
BEARD ST. CLAIR GAFFNEY PA
2105 CORONADO ST
IDAHO FALLS, ID 83404-7495
Phone: 208-523-5171



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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05/21/08

DISTRICT COURT-SRBA
THUNDERBOLT FALLS CO., ILL. NO
FILED

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s): 01-00226B

ROBBIN HALL
Deputy Clerk