

2008 MAY 28 PM 2: 25

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 01-10023
Case No. 39576) (Kingston)
_____) 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 David O. Kingston, 477 Shoup Avenue, #207, Idaho Falls, Idaho, 83402, for 5.8 cfs from the Snake River to irrigate 210 acres in Jefferson County from April 1 to October 31 with a priority date of October 16, 1890, based on a decree.

Janae Kingston filed an *Objection* on March 19, 2007, objecting to quantity and place of use. Janae Kingston filed a *Motion to File Amended Notice of Claim* on March 19, 2007, and on April 25, 2008, IDWR filed an *Amended Director's Report* before the Basin 01, Part 2 initial hearings recommending 255.2 acres. No one objected to the recommendation.

Conclusions of Law

David O. Kingston 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 01-10023*.

DATED May 28, 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 01-10023

NAME AND ADDRESS: DAVID O KINGSTON
477 SHOUP AVE #207
IDAHO FALLS, ID 83402

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.80 CFS

PRIORITY DATE: 10/16/1890

POINT OF DIVERSION: T04N R37E S26 NESW Within Jefferson County
S35 LOT 9 (NENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.80 CFS

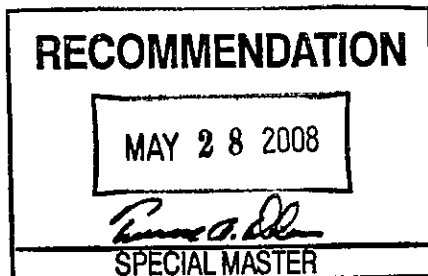
PLACE OF USE:	Irrigation		Within Jefferson County
	T04N R37E S26	NESW 17.0	NWSW 40.0
		SWSW 16.0	SESW 36.0
	LOT 5	(NWSE) 0.2	SWSE 27.0
	LOT 4	(SESE) 3.7	
	S35 LOT 1	(NENE) 18.0	LOT 9 (NENE) 1.4
		NWNE 39.0	LOT 2 (SWNE) 2.5
		NENW 39.0	NWNW 13.0
		SENE 2.4	
	255.2 Acres Total		

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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 01-10023

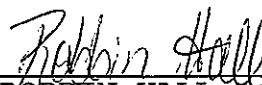
CERTIFICATE OF MAILING

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 28, 2008, with sufficient first-class postage prepaid to the following:

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

JANAE KINGSTON
Represented by:
CAMPOS, KARI
477 SHOUP AVE #207
IDAHO FALLS, ID 83402

DAVID O KINGSTON
477 SHOUP AVE #207
IDAHO FALLS, ID 83402
Phone: 208-522-2365


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)

Case No. 39576)

_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

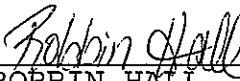
Water Right(s): 01-10023

On May 28, 2008, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 May 28, 2008.



ROBBIN HALL
Deputy Clerk