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DEPARTMENT OF
WATER RESOURCES

2008 JUN 10 AM 11:19

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 74-915, 74-15755 (Shiner) & 74-
Case No. 39576) 15756 (USDI/BLM)
)
) AMENDED SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended 74-915 to Mark, Dean and Stephen Shiner for 1.1 cfs of waste water to irrigate 36 acres in Lemhi County from March 15 to November 15 with a priority date of March 12, 1892, based on a decree. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use.

The claimants failed to appear at status conferences held on November 15 and December 20, 2007, and on motion of the United States, the Special Master entered an *Order to Show Cause* requiring the claimants to appear on January 31, 2008, and show cause why the United States' *Objection* should not be granted.

After IDWR filed a *Notice of Completed Administrative Proceeding* on February 4, 2008, for a substitution of party with the claimants now as James, Stephen, Debbie and Deena Shiner, P.O. Box 43, Lemhi, Idaho, 83465, the OSC hearing was reset for May 22, 2008. The Shiners failed to appear and on May 28, 2008, the Special Master entered an *Order Granting Objection and Special Master Report* in subcase 74-915 only.

However, on June 4, 2008, the Shiners and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to split 74-915 into 74-15755 (Shiner) and 74-15756 (USDI/BLM).

Conclusions of Law

1. The Shiners and the United States are entitled to partial decrees adjudicating water rights as described in the SF-5 and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-15755 and 74-15756*; and
2. The parties are **not** entitled to a water right under 74-915 the claim having been split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 74-915 be **disallowed**.

DATED June 10, 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 74-15755

NAME AND ADDRESS: DEBBIE A SHINER
DEENA SHINER
JAMES D SHINER
STEPHEN SHINER
PO BOX 43
LEMHI, ID 83465

SOURCE: WASTE WATER TRIBUTARY: LEMHI RIVER

QUANTITY: 0.98 CFS

PRIORITY DATE: 03/12/1892

POINT OF DIVERSION: T17N R24E S10 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.98 CFS

PLACE OF USE: Irrigation Within Lemhi County
T17N R24E S04 SWSE 13.2
S09 LOT 1 (NENE) 12.1 NWNE 6.5
LOT 2 (SENE) 1.1
32.9 Acres Total

Place of use does not include federal public lands.

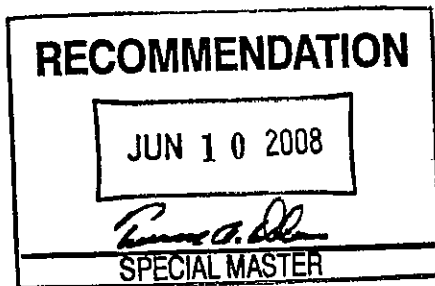
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 74-15756

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: WASTE WATER TRIBUTARY: LEMHI RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 03/12/1892

POINT OF DIVERSION: T17N R24E S10 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.12 CFS

PLACE OF USE: Irrigation Within Lemhi County
T17N R24E S04 SESW 3.9
3.9 Acres Total

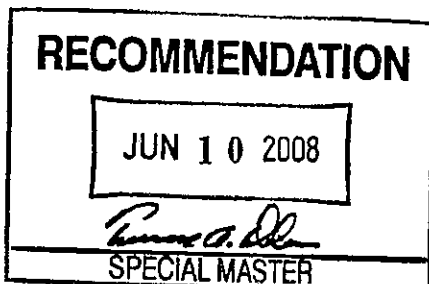
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



2008 JUN 10 AM 11:20
DISTRICT COURT-SFBA
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): 74-00915
74-15755 74-15756

CERTIFICATE OF MAILING

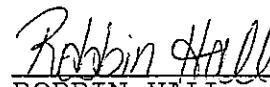
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 10, 2008, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DEBBIE A SHINER
DEENA SHINER
JAMES D SHINER
STEPHEN SHINER
PO BOX 43
LEMHI, ID 83465
Phone: 208-756-3976

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
06/10/08

DISTRICT COURT-SPRA
TWIN FALLS CO., IDAHO
FILED

DE

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 74-00915
74-15755 74-15756

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.

DATED June 10, 2008.

ROBBIN HALL
Deputy Clerk