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DEPARTMENT OF
WATER RESOURCES

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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

Case No. 39576

) Subcases 73-2A and 73-190
) (Whitworth)
)
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Robert Whitworth, HC 62, P.O. Box 2290, May, Idaho, 83253, for 6.8 cfs and 3 cfs from Sulphur Creek and the Pahsimeroi River for year-round stockwater use and to irrigate 246.3 acres in Custer County from April 1 to October 31 with priority dates of May 1, 1884, and May 1, 1900, based on a decree.

Mr. Whitworth filed *Objections* on August 16, 2007, objecting to name and address and place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on August 20, 2007, in both subcases and then filed an *Amended Director's Report, Subcase Nos. 73-2A and 73-190* on May 15, 2008, recommending 336 acres. No one objected.

Conclusions of Law

Mr. Whitworth is entitled to partial decrees adjudicating water rights as described in the *Amended Director's Report* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-2A and 73-190*.

DATED July 9, 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
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00002A

NAME AND ADDRESS: ROBERT WHITWORTH
HC 62 BOX 2290
MAY, ID 83253

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 6.80 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T14N R21E S12 SESE Within Custer County
S13 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.80 CFS
	Stockwater	01-01 TO 12-31	0.14 CFS

PLACE OF USE: Irrigation Within Custer County

T14N R21E S12	NESE 35.0	NWSE 40.0
	SWSE 40.0	SESE 38.0
R22E S07	NESW 8.0	(NWSW) 36.0
LOT 4	(SWSW) 38.0	SESW 21.0
256.0 Acres Total		

Stockwater Within Custer County

T14N R21E S12	NESE	NWSE
	SWSE	SESE
R22E S07	NESW	(NWSW)
LOT 4	(SWSW)	SESW

Right Nos. 73-2A and 73-190 are limited to the irrigation of a
combined total of 336 acres in a single irrigation season.

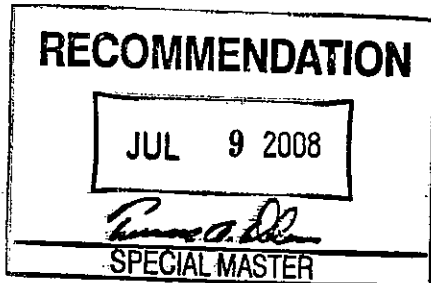
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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 73-00190

NAME AND ADDRESS: ROBERT WHITWORTH
HC 62 BOX 2290
MAY, ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.00 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION: T14N R22E S17 SWNENW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T14N R22E S07	NESW 22.0 LOT 3 (NWSW) 33.0
	LOT 4	(SWSW) 9.0 SESW 39.0
		SWSE 14.0
	S18	NWNE 34.0
	151.0 Acres Total	

Right Nos. 73-2A and 73-190 are limited to the irrigation of a combined total of 336 acres in a single irrigation season.

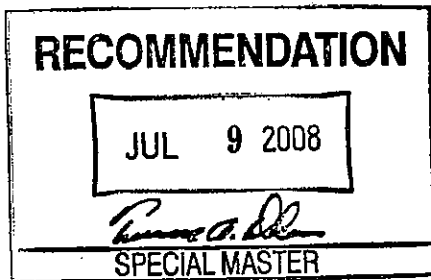
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 73-00002A
73-00190

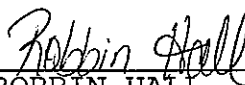
CERTIFICATE OF MAILING

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 July 09, 2008, with sufficient first-class postage prepaid to the following:

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

ROBERT WHITWORTH
HC 62 BOX 2290
MAY, ID 83253
Phone: 208-876-4221

ROBERT WHITWORTH
HC 62, BOX 2290
MAY, ID 83253
Phone: 208-876-4267


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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07/09/08

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
1ST STREET OF THE

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 73-00002A
0190

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 73-00002A
0190

On July 09, 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 July 09, 2008.

Robbin Hall
ROBBIN HALL
Deputy Clerk