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DEPARTMENT OF
WATER RESOURCES

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 73-12069 and 73-12075
Case No. 39576) (Martiny)
)
) 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 claim to Virginia K. Martiny, 159 Hooper Lane, May, Idaho, 83253, for .88 cfs from Patterson Creek to irrigate 41.4 acres in Lemhi County from April 1 to May 14, from May 15 to July 9 and from July 10 to October 31 with a priority date of February 10, 1893, based on a decree.

On December 19, 2007, Ms. Martiny filed an *Objection* to subcase 73-12075 objecting to place of use. IDWR filed an *Amended Claim / Director's Report* on May 9, 2008, recommending the claim for 82.3 acres. No one objected. IDWR identified subcase 73-12069 as an uncontested overlapping claim.

Conclusions of Law

Ms. Martiny is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Rights 73-12069 and 73-12075*.

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 73-12069

NAME AND ADDRESS: VIRGINIA K MARTINY
159 HOOPER LN
MAY, ID 83253

SOURCE: GROUND WATER

QUANTITY: 0.67 CFS
277.60 AFY

PRIORITY DATE: 07/15/1966

POINT OF DIVERSION: T14N R22E S06 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.67 CFS 277.60 AFY

PLACE OF USE: Irrigation Within Lemhi County
T14N R22E S06 NESW 36.0 NWSE 26.0
SWSE 17.3
79.3 Acres Total

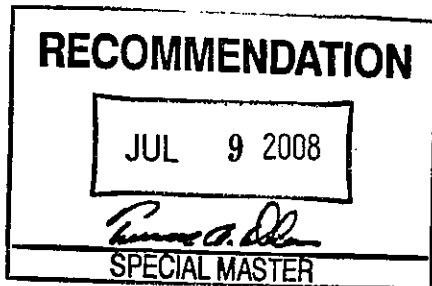
Right Nos. 73-12069 and 73-12075 are limited to the irrigation
of a combined total of 82.3 acres in a single irrigation season.

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

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 73-12075

NAME AND ADDRESS: VIRGINIA K MARTINY
159 HOOPER LN
MAY, ID 83253

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.88 CFS

PRIORITY DATE: 02/10/1893

POINT OF DIVERSION: T14N R22E S08 SWNNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 05-14	0.63 CFS
	Irrigation	05-15 TO 07-09	0.88 CFS
	Irrigation	07-10 TO 10-31	0.44 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R22E S06 NESW 39.0 NWSW 26.0
SWSW 17.3
82.3 Acres Total

Right Nos. 73-12069 and 73-12075 are limited to the irrigation
of a combined total of 82.3 acres in a single irrigation season.

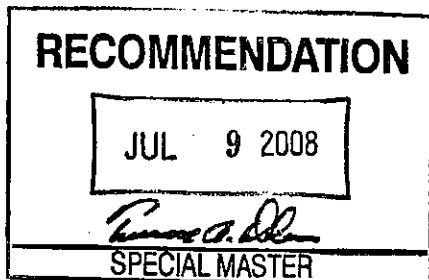
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TWIN FALLS CO., IDAHO
FILED

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): 73-12069
73-12075

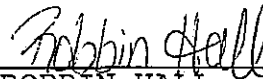
CERTIFICATE OF MAILING

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

VIRGINIA K MARTINY
159 HOOPER LN
MAY, ID 83253
Phone: 208-876-4235

VIRGINIA K MARTINY
159 HOPPER LN
MAY, ID 83253
Phone: 208-850-3235


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
DISTRICT OF THE
TWIN FALLS

In Re SRBA)
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Case No. 39576)
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Water Right(s): 73-12069
73-12075

ROBBIN HALL
Deputy Clerk