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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 75-10007 (75-14522 & 75-14523)
	)	(Bernt)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-10007 to William and Peggy Bernt, P.O. Box 425, Salmon, Idaho, 83467, for .18 cfs from North Fork Tower Creek to irrigate 4.9 acres in Lemhi County from April 1 to October 31 with a priority date of December 10, 1909, based on beneficial use.

The Bernts filed an *Objection* on June 14, 2007, objecting to priority date. The Bernts, with IDWR's concurrence, filed *Standard Forms 5* on July 8, 2008, agreeing to split the claim into 75-14522 (June 29, 1899 priority date) and 75-14523 (December 10, 1909 priority date) and to disallow 75-10007.

Conclusions of Law

1. The Bernts are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14522 and 75-14523*; and
2. Claim 75-10007 should be disallowed having been split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-10007 be **disallowed**.

DATED July 30, 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 75-14522

NAME AND ADDRESS: BILL BERNT
PEGGY JO BERNT
PO BOX 425
SALMON, ID 83467

SOURCE: NORTH FORK TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 06/29/1899

POINT OF DIVERSION: T23N R22E S04 SWNESW Within Lemhi County
NWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S04 NESW 0.4 SESW 4.5
4.9 Acres Total

Right Nos. 75-14522 and 75-14523 are limited to the irrigation of
a combined total of 4.9 acres in a single irrigation season.

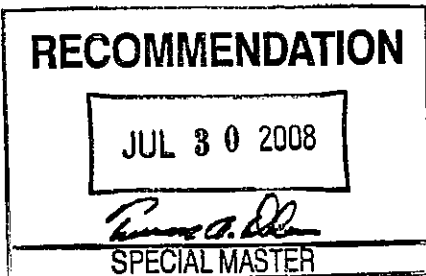
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 75-14523

NAME AND ADDRESS: BILL BERNT
PEGGY JO BERNT
PO BOX 425
SALMON, ID 83467

SOURCE: NORTH FORK TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 12/10/1909

POINT OF DIVERSION: T23N R22E S04 SWNESW Within Lemhi County
NWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.08 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S04 NESW 0.4 SESW 4.5
4.9 Acres Total

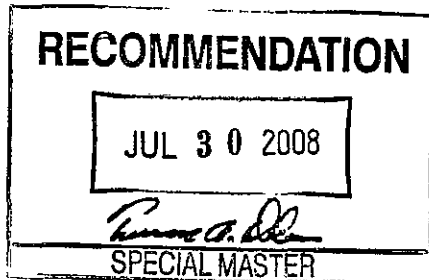
Right Nos. 75-14522 and 75-14523 are limited to the irrigation of
a combined total of 4.9 acres in a single irrigation season.

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
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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

CERTIFICATE OF MAILING

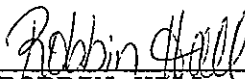
Water Right(s): 75-10007
75-14522 75-14523

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 30, 2008, with sufficient first-class postage prepaid to the following:

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

BILL BERNT
PEGGY JO BERNT
PO BOX 425
SALMON, ID 83467
Phone: 208-756-4167


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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Water Right(s): 75-10007
75-14522 75-14523

ROBBIN HALL
Deputy Clerk