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DEPARTMENT OF
WATER RESOURCES

Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 8 2008	
By _____	Clerk
_____	Deputy Clerk

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-04136B
) and 67-11228

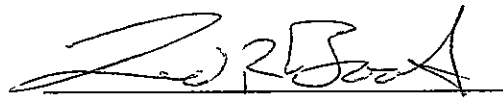
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

No objections were filed to the *Director's Report* for these claims. However, the *Case Management Proposal* for Basin 67 prepared by IDWR identified these water rights as uncontested claims that may be affected by the outcome of a contested matter. On August 7, 2008, the Court received correspondence from IDWR stating that the designation of "uncontested overlap" was no longer necessary for these rights.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 67-04136B and 67-11228 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

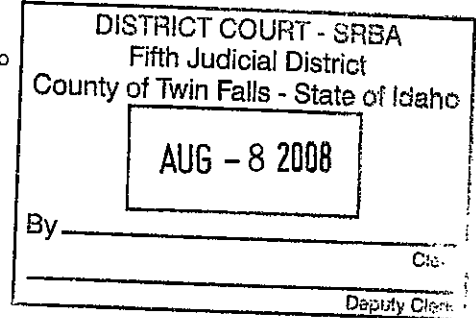
Dated Aug. 8, 2008


Theodore R. Booth
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 67-04136B



NAME AND ADDRESS: ELMER L BACUS
RUTH E BACUS
295 N TAYLOR ST
EAGLE, ID 83616

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.31 CFS

PRIORITY DATE: 03/15/1939

POINT OF DIVERSION: T17N R02W S15 NWSW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.31 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R02W S14	SWSW 25.0
	S15	SESE 23.0
	S22	NENE 15.0
	71.9 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228

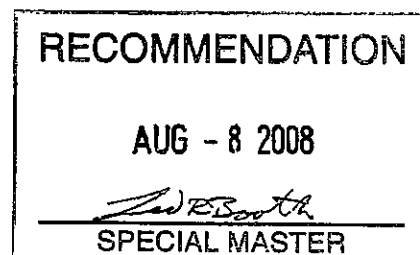
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

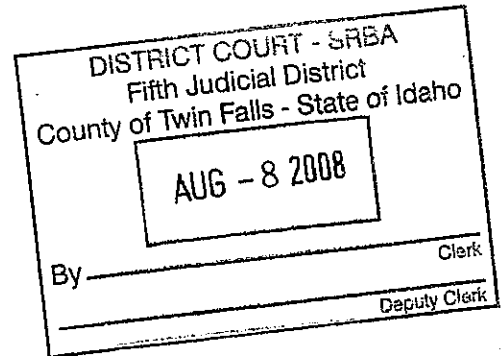
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 67-11228



NAME AND ADDRESS: ELMER L BACUS
RUTH E BACUS
295 N TAYLOR ST
EAGLE, ID 83616

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 1.13 CFS

PRIORITY DATE: 08/31/1987

POINT OF DIVERSION: T17N R02W S15 NWSW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.13 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R02W S14 SWSW 25.0	SESW 8.9
	S15 SESE 23.0	
	S22 NENE 15.0	
	71.9 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228

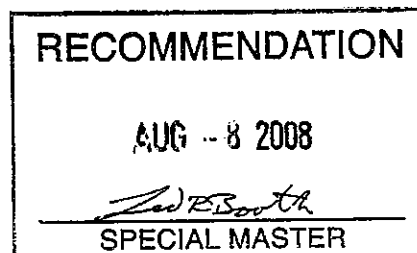
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

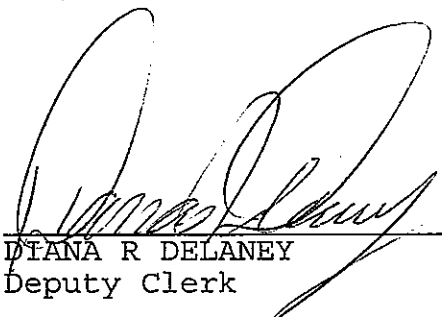
Water Right(s): 67-04136B
67-11228

On August 08, 2008, Special Master THEODORE R. BOOTH 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 August 08, 2008.



DIANA R DELANEY
Deputy Clerk

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

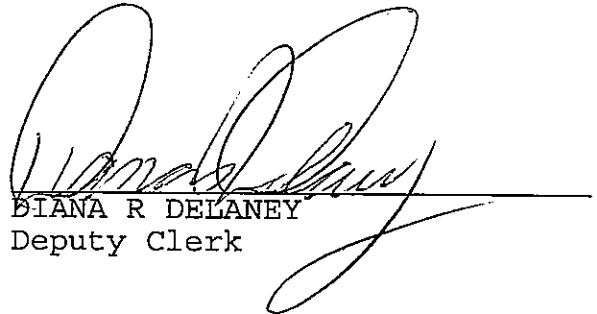
Water Right(s): 67-04136B
67-11228

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 August 08, 2008, with sufficient first-class postage prepaid to the following:

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

ELMER L BACUS
RUTH E BACUS
295 N TAYLOR ST
EAGLE, ID 83616
Phone: 208-939-6224


BIANA R DELANEY
Deputy Clerk