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DEPARTMENT OF
WATER RESOURCES

2008 AUG 20 AM 11:09

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 02-2392
Case No. 39576) (Mertz)
)
) 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 Basin 02* on December 29, 2006. The Director recommended the claim to James P. Mertz and Richard A. Symms, 14068 Sunny Slope Road, Caldwell, Idaho, 83605, for 7.7 cfs from the Snake River for year-'round stockwater use and to irrigate 415 acres in Owyhee County from March 15 to November 15 with a priority date of May 16, 1966, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 4, 2007, objecting to place of use. On July 31, 2008, the claimants and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to an amended place of use and the addition of the remark: "Place of use does not include federal public lands."

Conclusions of Law

Messrs Mertz and Symms are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 02-2392*.

DATED August 20, 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 02-02392

NAME AND ADDRESS: JAMES P MERTZ
RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL, ID 83605

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.70 CFS

Right Nos. 2-2392 and 2-7077 are limited to a total combined
diversion rate of 7.7 cfs.

PRIORITY DATE: 05/16/1966

POINT OF DIVERSION: T02N R04W S23 LOT 1 (NENWNW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	7.70 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

The use of water for irrigation under this right may begin as
early as March 1 and may continue to as late as November 15,
provided other elements of the right are not exceeded. The use
of water before March 15 and after November 15 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE:	Irrigation		Within Owyhee County
	T02N R04W S15	NWNE 36.0	SWNE 39.0
		SENE 11.0	NENW 39.0
		SNNW 39.0	SENE 23.0
		NESW 33.0	NWSW 38.0
		SWSW 20.0	SESW 20.0
		NESE 27.0	NWSE 39.0
		SWSE 28.0	SESE 7.0
	S16	SESE 16.0	
	415.0 Acres Total		

Stockwater Within Owyhee County
Same as Irrigation

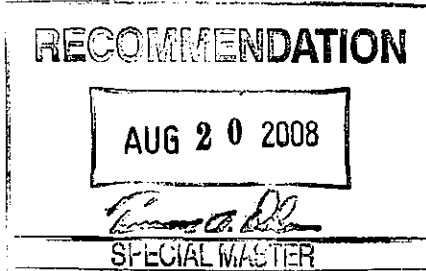
Place of use does not include federal public lands.

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

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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): 02-02392

CERTIFICATE OF MAILING

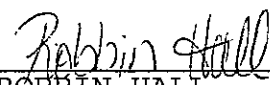
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2008, with sufficient first-class postage prepaid to the following:

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

JAMES P MERTZ
RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL, ID 83605
Phone: 208-459-4821

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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08/20/08

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In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

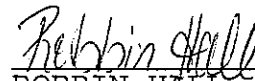
Water Right(s): 02-02392

On August 20, 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 August 20, 2008.



ROBBIN HALL
Deputy Clerk