

RECEIVED

OCT 16 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 15 2008

By _____
Date _____

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 78-02025B,
) 78-04080, 78-04133, and 78-04170

I. FINDINGS OF FACT

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.

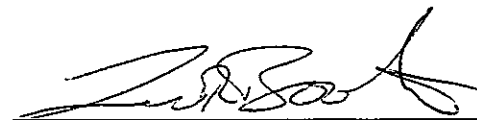
On April 26, 2007, the claimants of water right 78-04080, Alvin and Linea Hall, filed an objection to the *Director's Report*, seeking an earlier priority date. Water right claims 78-02025B, 78-04133, and 78-04170 were identified by IDWR as uncontested overlapping claims. On September 19, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 78-04080 which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 78-02025B, 78-04080, 78-04133, and 78-04170 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

Oct. 15, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - 3RD
Fifth Judicial District
County of Twin Falls - State of Idaho

RICT OF THE
N FALLS

OCT 15 2008

By _____ Clerk

Deputy Clerk

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 78-02025B

PAGE 1
Sep-29-2008

OTHER PROVISIONS (continued)

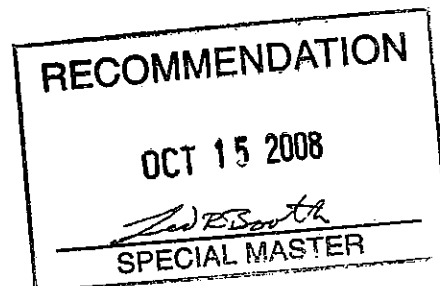
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

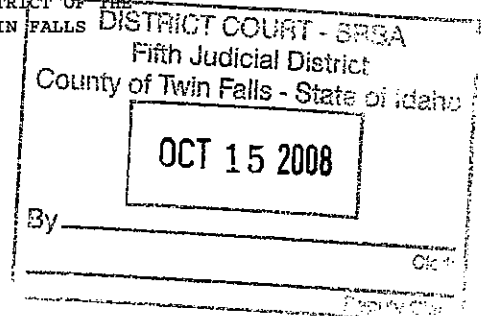


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 78-04080



NAME AND ADDRESS: ALVIN H HALL
LINNEA L HALL
4220 HWY 95
NEW MEADOWS, ID 83654

SOURCE: SIXMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 6.34 CFS

The appropriator is entitled to the quantity of water described
for stockwater purposes at a point of measurement where the
delivery ditch enters the place of use described.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T20N R02E S30 LOT 4 (SWSW) Within Adams County
SWSE
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.32 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T20N R01E S24	SWNE 23.0 SENE 40.0 NWSW 1.6 NESE 20.0 SWSE 39.0 S25 NENE 0.4 NENW 15.0 316.0 Acres Total
	Stockwater	Within Adams County
	T20N R01E S24	SESW NESE NWSE SWSE

Right Nos. 78-2025B, 78-4080 and 78-4170 are limited to the
irrigation of a combined total of 324 acres in a single
irrigation season.

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

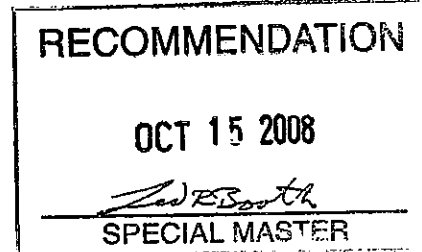
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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.

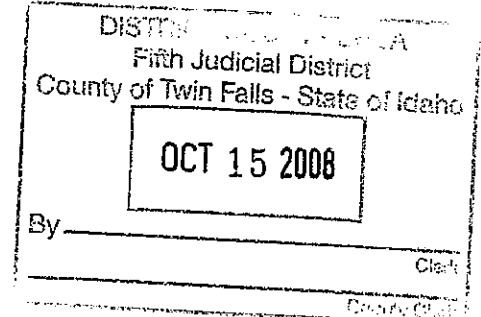
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-04133



NAME AND ADDRESS: OSBORN RANCH INC
PO BOX 209
NEW MEADOWS, ID 83654

SOURCE: SIXMILE CREEK TRIBUTARY: LITTLE SALMON RIVER
UNNAMED STREAM TRIBUTARY: SIXMILE CREEK

QUANTITY: 12.88 CFS

The appropriator is entitled to the quantity of water described
for stockwater purposes at a point of measurement where the
delivery ditch enters the place of use described.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1879

POINT OF DIVERSION: T20N R02E S30 SWSE Within Adams County
LOT 4 (SWSW)
SWSE
SENE
SESW
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	12.86 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation		Within Adams County
	T20N R01E S25	SWNE 40.0	SENE 31.0
		NENW 6.1	NWNW 5.3
		SWNW 28.0	SENW 35.0
		NESW 35.0	NWSW 32.0
		SESW 37.0	NESE 37.0
		NWSE 34.0	SWSE 37.0
		SESE 40.0	
	S36	NENE 40.0	NWNE 37.0
		SWNE 38.0	SENE 40.0
	R02E S30	SWNE 12.0	NENW 7.3
	LOT 1	(NWNW) 20.0	LOT 2 (SWNW) 30.0
		SENW 35.0	NESW 39.0
	LOT 3	(NWSW) 36.0	LOT 4 (SWSW) 33.0
		SESW 12.0	NESE 0.3
		NWSE 26.0	
	803.0 Acres Total		
	Stockwater		Within Adams County
	T20N R01E S25	SWNW	SENW
		NESW	NWSW
		NESE	NWSE
	R02E S30	SENE	NWSW
		SWSW	SESW
		NESE	SWSE
		SWSE	

This right is limited to the irrigation of 643 acres within the
place of use described above in a single irrigation season.

PLACE OF USE (continued)

The rights listed below are limited to the irrigation of a combined total of 1094 acres in a single irrigation season. Combined Right Nos.: 78-2030B, 78-2052, 78-4015, 78-4133, 78-4276 and 78-12300.

Right Nos. 78-4133, 78-4276 and 78-12300 are limited to the irrigation of a combined total of 803 acres in a single irrigation season.

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

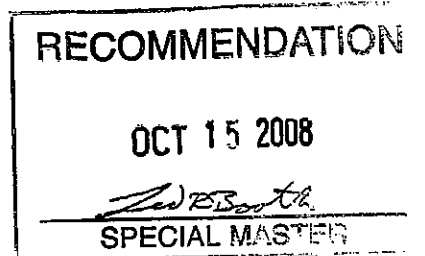
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

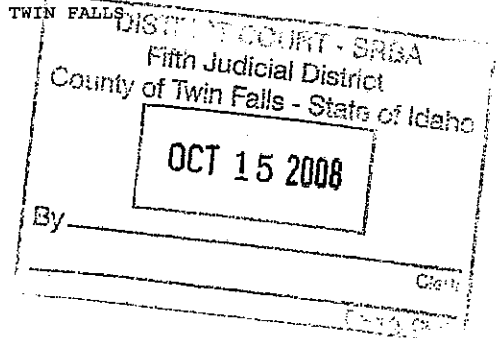
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-04170



NAME AND ADDRESS: ALVIN H HALL
LINNEA L HALL
4220 HWY 95
NEW MEADOWS, ID 83654

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.56 CFS

The appropriator is entitled to the quantity of water described
for stockwater purposes at a point of measurement where the
delivery ditch enters the place of use described.
The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T20N R01E S24 NWNE Within Adams County
SWNE
SENE
SENE
SENE
SENE
SENE
SENE
SENE
NESE
R02E, S19 LOT 4 (SWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.50 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:	Irrigation	Stockwater	Domestic
	T20N R01E S24	T20N R01E S24	T20N R01E S24
	SWNE 32.0	SESW	NESE
	SENE 39.0	NWSE	NWSE
	NESE 19.0	NENW	
	SESE 2.1		
	120.7 Acres Total		

Right Nos. 78-2025B, 78-4080 and 78-4170 are limited to the
irrigation of a combined total of 324 acres in a single
irrigation season.

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

OTHER PROVISIONS (continued)

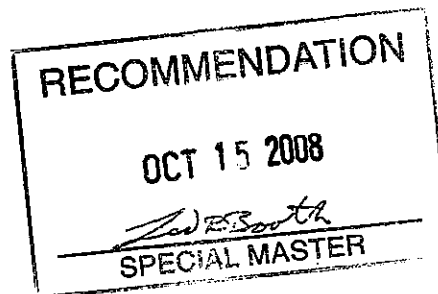
The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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



LIST OF CASES
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 15 2008
By _____ 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

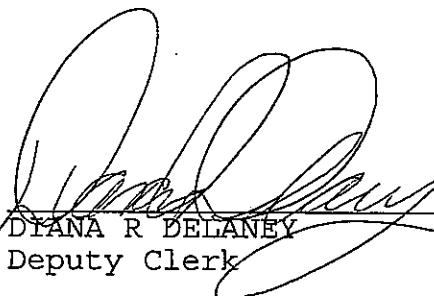
Water Right(s): 78-02025B
78-04080 78-04133 78-04170

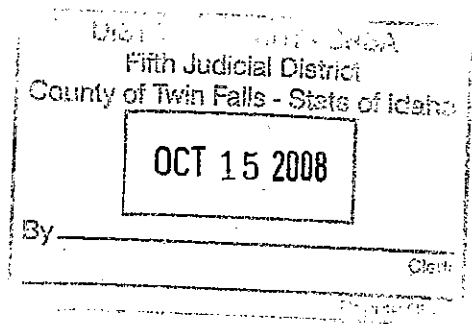
On October 15, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 October 15, 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): 78-02025B
78-04080 78-04133 78-04170

CERTIFICATE OF MAILING

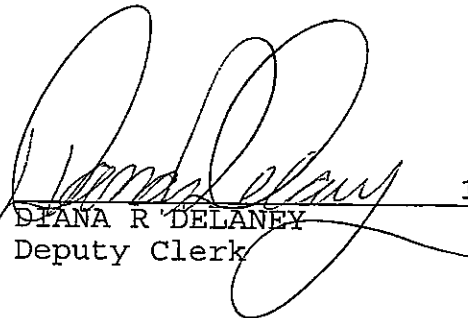
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 15, 2008, with sufficient first-class postage prepaid to the following:

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

ALVIN H HALL
LINNEA L HALL
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

OSBORN RANCH INC
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk
PAGE 1
10/15/08