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DEPARTMENT OF
WATER RESOURCES

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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) Subcases 24-4068B (24-10769 & 24-10770)
Case No. 39576) (Riede)
)
) 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 14, IDWR Basin 24* on November 21, 2006. The Director recommended claim 24-4068B to Judith and Peter Riede, P.O. Box 220, Afton, Wyoming, 83110-0220, for .59 cfs from Crow Creek and Warm Creek for stockwater use and to irrigate 29.6 acres in Caribou County from May 1 to October 1 with a priority date of February 7, 1927, based on beneficial use.

The Riedes filed an *Objection* on January 8, 2007, objecting to quantity and priority date. The Riedes were granted leave to amend their claim on November 6, 2007, and on February 14, 2008, IDWR filed its *Amended Director's Reports, Subcase Nos. 24-4064 & 24-4068B*. The Riedes filed their *Objections to the Amended Director's Report* on March 14, 2008, and on July 3, 2008, the Riedes were granted leave to amend their claim a second time.

IDWR filed its *Amended Director's Report, Subcase No. 24-4068B (Split into 24-10769 & 24-10770)* on July 25, 2008, splitting 24-4068B into 24-10769 and 24-10770 and disallowing 24-4068B. No one objected to IDWR's second amended recommendation.

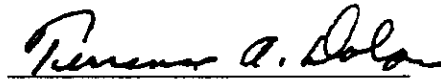
Conclusions of Law

1. The Riedes are entitled to partial decrees adjudicating water rights as described in the July 25, 2008 *Amended Director's Report* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 24-10769 and 24-10770*; and
2. The Riedes are **not** entitled to a partial decree for 24-4068B because the claim has been split.

Recommendation

THEREFORE, IT IS RECOMMENDED that 24-4068B be **disallowed**.

DATED October 23, 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 24-10769

NAME AND ADDRESS: JUDITH M RIEDE
PETER M RIEDE
PO BOX 220
AFTON, WY 83110-0220

SOURCE: CROW CREEK TRIBUTARY: SALT RIVER
WARM CREEK TRIBUTARY: CROW CREEK

QUANTITY: 0.07 CFS

The quantity of water for stock water under right nos. 24-10769
and 24-10770 shall not exceed 13,000 gallons per day (0.02 cfs).

PRIORITY DATE: 02/07/1927

POINT OF DIVERSION: T10S R45E S12 NWSWNW Within Caribou County
S14 NWNWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-01	0.07 CFS
	Stockwater	05-01 TO 10-01	0.02 CFS

PLACE OF USE: Irrigation Within Caribou County
T10S R45E S01 SWSW 2.6
2.6 Acres Total
Stockwater Within Caribou County
Same as Irrigation

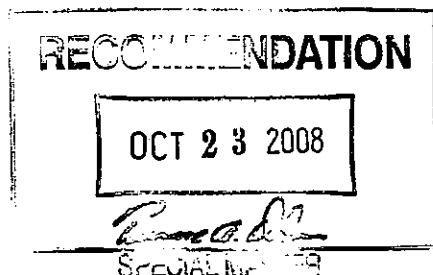
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 24-10770

NAME AND ADDRESS: JUDITH M RIEDE
PETER M RIEDE
PO BOX 220
AFTON, WY 83110-0220

SOURCE: CROW CREEK TRIBUTARY: SALT RIVER
WARM CREEK TRIBUTARY: CROW CREEK

QUANTITY: 0.69 CFS

The quantity of water for stock water under right nos. 24-10769
and 24-10770 shall not exceed 13,000 gallons per day (0.02 cfs).

PRIORITY DATE: 02/13/1905

POINT OF DIVERSION: T10S R45E S12 NWSWNW Within Caribou County
S14 NWNWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-01	0.69 CFS
	Stockwater	05-01 TO 10-01	0.02 CFS

PLACE OF USE: Irrigation Within Caribou County
T10S R45E S01 SESW 27.0
27.0 Acres Total
Stockwater Within Caribou County
Same as Irrigation

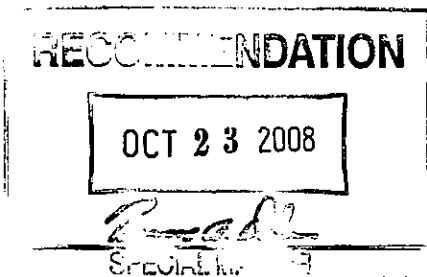
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The quantity of water decreed for this water right for
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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): 24-04068B
24-10769 24-10770

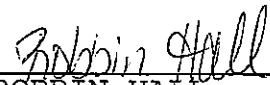
CERTIFICATE OF MAILING

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 23, 2008, with sufficient first-class postage prepaid to the following:

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

JUDITH M RIEDE
PETER M RIEDE
PO BOX 220
AFTON, WY 83110
Phone: 307-886-9086

JUDITH M RIEDE
PETER M RIEDE
PO BOX 220
AFTON, WY 83110-0220



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
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2008 OCT 23 PM 2:13

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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): 24-04068B
24-10769 24-10770

On October 23, 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 October 23, 2008.


ROBBIN HALL
Deputy Clerk