

2008 OCT 29 PM 2: 52

FILED
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	)	Subcase 47-4477
	)	(W.T. Williams, Inc.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	

Findings of Fact

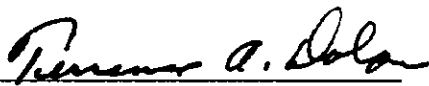
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 12, IDWR Basin 47* on February 2, 2007. The Director recommended the claim to W.T. Williams, Inc., c/o Tom Williams, 2600 North, 2991 East, Twin Falls, Idaho, 83301, for 5 cfs from groundwater to irrigate 1,589.4 acres in Twin Falls County from April 15 to September 15 with a priority date of March 15, 1960, based on beneficial use.

The claimant was granted leave to amend its claim on May 28, 2008, and on July 30, 2008, IDWR filed its *Amended Director's Report* recommending 5.28 cfs. No one objected to the *Amended Director's Report*.

Conclusions of Law

W.T. Williams, Inc., is entitled to a partial decree adjudicating a water right as described in the *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-4477*.

DATED October 29, 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 47-04477

NAME AND ADDRESS: W T WILLIAMS INC
C/O TOM WILLIAMS
2600 N 2991 E
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 5.28 CFS
1190.10 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1700 AF. COMBINED RIGHT NOS. 47-4477 & 47-4478

PRIORITY DATE: 03/15/1960

POINT OF DIVERSION: T12S R17E S16 SENENW Within Twin Falls County
S26 NWSWNW (Rediversion)
S35 NENESW (Rediversion)
T13S R17E S11 NENWNE
NENWNE (Injection)
NWSWNE (Injection)
NWSWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	5.28 CFS 1190.10 AFY

PLACE OF USE:	Irrigation	Within Twin Falls County
T12S R17E S09	SESW 23.0	SWSE 34.0
	SESE 34.0	
S15	SWNE 33.0	SENE 25.0
	SWNW 30.0	SENW 38.0
	NESW 36.0	NWSW 41.0
	SWSW 40.0	SESW 36.0
	NESE 25.0	NWSE 25.0
S16	NENE 40.0	NWNE 41.0
	SWNE 40.0	SENE 18.0
	NENW 41.0	NWNW 30.0
	SWNW 41.0	SENW 41.0
	NESW 40.0	SESW 20.0
	NWSE 23.0	SWSE 0.7
	SESE 9.8	
S21	SENE 34.0	NESE 39.0
	SWSE 30.0	SESE 39.0
S22	NENW 27.0	NWNW 35.0
	SWNW 41.0	SENW 35.0
	NESW 38.0	NWSW 41.0
	SWSW 41.0	SESW 35.0
	NWSE 9.9	SWSE 26.0
S27	NWNE 40.0	SWNE 38.0
	SENE 13.0	NENW 41.0

PLACE OF USE (continued)

	NWNW 41.0	SWNW 31.0
	SENW 41.0	NWSW 6.3
	NESE 3.4	NWSE 3.3
S28	NENE 30.0	NWNE 25.0
1589.4	Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1257 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1257 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-4477, 47-4478, & 47-17170
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1282.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-4477, 47-4478, 47-12182, 47-12187, 47-4475, 47-2448 & 47-17170

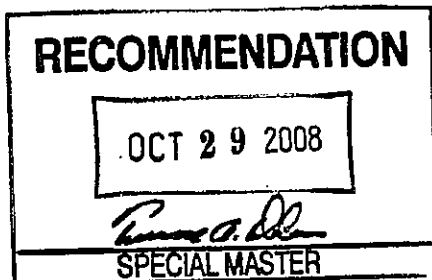
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of 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

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FILED
TWIN FALLS CO., IDAHO
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 47-04477

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 29, 2008, with sufficient first-class postage prepaid to the following:

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

W T WILLIAMS INC
C/O TOM WILLIAMS
2600 N 2991 E
TWIN FALLS, ID 83301
Phone: 208-655-4226

WILLIAM J WILLIAMS
3094 N 3200 E
TWIN FALLS, ID 83301
Phone: 208-731-8106



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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FALLS, 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

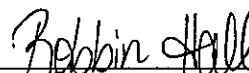
Water Right(s) : 47-04477

On October 29, 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 29, 2008.



ROBBIN HALL
Deputy Clerk