

2008 OCT 29 PM 2:51
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 74-22
Case No. 39576) (Liebrecht / Kagel)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended the claim to Charles E. Liebrecht and Nancy and Ray Kagel, 3879 East, 200 North, Rigby, Idaho, 83442, for 2 cfs from Big Bear Creek and Hawley Creek to irrigate 40.4 acres in Lemhi County from March 15 to November 15 with a priority date of April 1, 1914, based on a decree.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* on June 30, 2006, objecting to point of diversion and place of use. IDWR filed an *Amended Director's Report* on July 16, 2008, recommending 59.3 acres and the remark: "Place of use does not include federal public lands and is within HES 543." No one objected to the *Amended Director's Report*.

Conclusions of Law

Mr. Liebrecht and the Kagels are 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 74-22*.

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 74-00022

NAME AND ADDRESS: CHARLES E LIEBRECHT
NANCY J KAGEL
RAY L KAGEL JR
3879 E 200 N
RIGBY, ID 83442

SOURCE: BIG BEAR CREEK TRIBUTARY: HAWLEY CREEK
HAWLEY CREEK TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 2.00 CFS

RIGHT NOS. 74-22 AND 74-15767 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.00 CFS.

PRIORITY DATE: 04/01/1914

POINT OF DIVERSION: T16N R28E S31 NWNW Within Lemhi County
S32 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R27E S36	NENE 0.02	SENE 13.6
		NESE 0.82	
	R28E S31	NENW 4.05	NWNW 0.88
		SNNW 26.27	SENE 13.66
	59.3 Acres Total		

PLACE OF USE DOES NOT INCLUDE FEDERAL LANDS AND IS WITHIN
HES 543.

RIGHT NOS. 74-22 AND 74-15767 ARE LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 59.3 ACRES IN A SINGLE IRRIGATION SEASON.

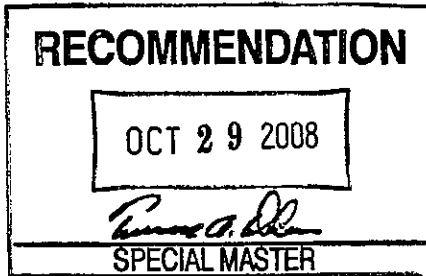
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40.4 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

2008 OCT 29 PM 2: 51

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 74-00022

CERTIFICATE OF MAILING

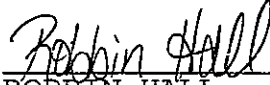
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 29, 2008, with sufficient first-class postage prepaid to the following:

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

CHARLES E LIEBRECHT
NANCY J KAGEL
RAY L KAGEL JR
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
10/29/08

2008 OCT 29 PM 2:52

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): 74-00022

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