

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 22-7020
	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

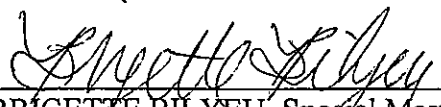
An *Objection* was filed by Dean Schwendiman & Sons, Inc. on February 8, 2007. The *Objection* was resolved on July 29, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

After the *Standard Form 5* was filed, however, the Idaho Department of Water Resources reported a clerical error to the court. The annual combined use limitation listed in the *Standard Form 5* is 1774.6 AF. The annual combined use limitation should be 1744.6 AF. Accordingly, this *Special Master's Report and Recommendation* includes the corrected combined use quantity of 1744.6 AF.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: November 7, 2008.


BRIGETTE BILYEU, 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 22-07020

2003 NOV -7 PM 1: 42

DISTRICT ATTORNEY-SRBA
 TWIN FALLS CO., IDAHO
 FILED

NAME AND ADDRESS: DEAN SCHWENDIMAN & SONS INC
PO BOX 57
NEWDALE, ID 83436

SOURCE: GROUND WATER

QUANTITY: 2.56 CFS
474.00 AFY

The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1744.6 AF. Combined Right Nos.: 22-2193, 22-7020, 22-12543.

The rights listed below are limited to a total combined diversion rate of 10.11 cfs and to a total combined annual diversion volume of 2849.6 AF. Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543.

PRIORITY DATE: 03/17/1969

POINT OF DIVERSION: T07N R42E S07 SESENE Within Fremont County
S08 NWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.56 CFS
			474.00 AFY

PLACE OF USE:	Irrigation		Within Fremont County
	T07N R41E S12	NENE 38.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		SENW 37.0	NESW 40.0
		SESW 39.0	NESE 40.0
		NWSE 40.0	SWSE 39.0
		SESE 39.0	
	R42E S07	NENE 39.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	LOT 1 (NWNW) 36.0
	LOT 2 (S08)	(S08) 36.0	SENE 40.0
		NESW 40.0	LOT 3 (NWSW) 37.0
		NESE 36.0	NWSE 40.0
	S08	SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 39.0
		S08 36.0	SENE 40.0
		NESW 40.0	NWSW 37.0
		NESE 40.0	NWSE 40.0
	S09	S09 33.0	SENE 33.0
		NESW 40.0	NWSW 40.0
	1445.0 Acres Total		

This right is limited to the irrigation of 151.3 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 1445.0 acres in a single irrigation season. Combined Right Nos.: 22-2193, 22-7020, 22-12543

The rights listed below are limited to the irrigation of a combined total of 1887.0 acres in a single irrigation season. Combined Right Nos.: 21-7084, 22-2193, 22-7020, and 22-12543.

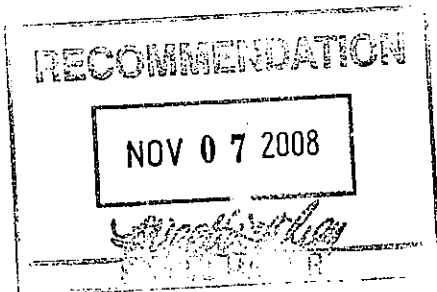
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



UNITED STATES DEPT-SRBA
SUNFALLS CO., IDAHO
FILED
OFFICE OF THE

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Case No. 39576)
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PAGE 1
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

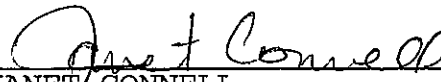
Water Right(s): 22-07020

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 November 07, 2008, with sufficient first-class postage prepaid to the following:

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

DEAN SCHWENDIMAN & SONS INC
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/07/08