

2008 NOV -7 PM 1: 47

FILED
TWIN FALLS CO., IDAHO
DISTRICT COURT-SRBA

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
	)	FOR WATER RIGHT: 22-12543

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*.

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 BLYEU
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 22-12543

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FILED
TWIN FALLS CO., IDAHO

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

SOURCE: GROUND WATER

QUANTITY: 4.00 CFS
1744.60 AFY

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.

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.

PRIORITY DATE: 06/27/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	4.00 CFS 1744.60 AFY

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

The rights listed below are limited to the irrigation of a

PLACE OF USE (continued)

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.

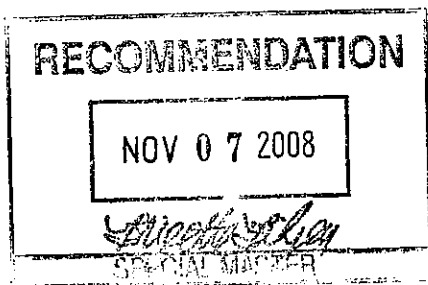
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 22-2193 and
22-7020 pursuant to Section 42-1426, Idaho Code.

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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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): 22-12543

On November 07, 2008, Special Master BRIGETTE BILYEU 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 November 07, 2008.


JANET CONNELL
Deputy Clerk

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CLERK OF DISTRICT COURT
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)

CERTIFICATE OF MAILING

Case No. 39576)

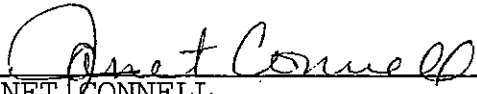
Water Right(s): 22-12543

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

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11/07/08