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DEPARTMENT OF
WATER RESOURCES

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TWIN FALLS CO., IDAHO
FILED

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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) Subcases 73-159, 73-12129 (Five E Group
Case No. 39576) LLLP) and 73-12130 (Stennett)
)
) 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 23, Basin 73* on January 25, 2007. The Director recommended claim 73-159 to Berend and Carla Friehe for 4 cfs from the Pahsimeroi River to irrigate 200 acres in Custer County from April 1 to October 31 with a priority date of June 1, 1897, based on a decree.

On October 9, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* splitting 73-159 into 73-12129 (Five E Group LLLP, 3094 S. Abigail Way, Boise, Idaho, 83706) and 73-12130 (W. Clinton Stennett, P.O. Box 475, Ketchum, Idaho, 83340).

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 73-12129 on December 18, 2007, objecting to place of use. On August 28, 2008, Five E Group LLLP and the United States, with IDWR's concurrence, filed a *Standard Form 5* in subcase 73-12129 agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

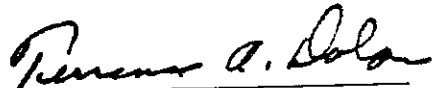
Five E Group LLP (73-12129) and Mr. Stennett (73-12130) are entitled to partial decrees adjudicating water rights as described in the *SF-5*, as recommended by IDWR

and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-12129 and 73-12130*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 73-159 **not** be decreed as a water right because it has been split.

DATED November 12, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12129

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.954 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 3.954 CFS

PLACE OF USE: Irrigation Within Custer County
T12N R23E S03 LOT 1 (NENE) 24.0 LOT 2 (NWNE) 38.0
SWNE 2.0 LOT 3 (NENW) 33.0
T13N R23E S34 SESW 40.0 NWSE 18.0
SWSE 38.0 SESE 4.7
197.7 Acres Total

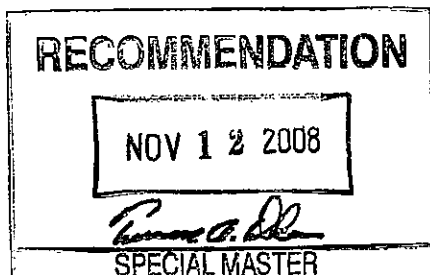
Place of use does not include federal public lands.
Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited
to the irrigation of a combined total of 378.2 acres in a single
irrigation season.

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

This right is a split from former right 73-159.
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 73-12130

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.046 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T11N R24E S06 NENE Within Custer County
T12N R23E S02 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.046 CFS

PLACE OF USE: Irrigation Within Custer County
T12N R23E S03 LOT 4 (NWNW) 2.3
2.3 Acres Total

Right Nos. 73-12125, 73-12130, and 73-12138 are limited to the
irrigation of a combined total of 82.4 acres in a single
irrigation season.

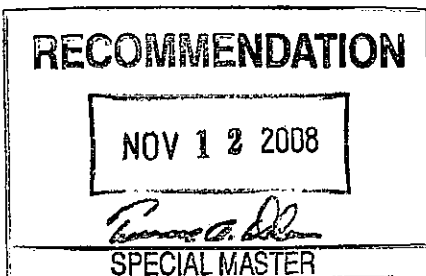
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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RULE 54(b) CERTIFICATE

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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



2008 NOV 12 00 10 40
TWIN FALLS CO. IDAHO
FILED

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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): 73-00159
73-12129 73-12130

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 12, 2008, with sufficient first-class postage prepaid to the following:

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

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

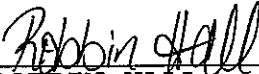
W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

CERTIFICATE OF MAILING

PAGE 1
11/12/08

BEREND FRIEHE
CARLA FRIEHE
2498 RD S NE
MOSES LAKE, WA 98837
Phone: 208-756-4584

FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706



ROBBIN HALL
Deputy Clerk

DISTRICT COURT - IDAHO
TWIN FALLS COUNTY, IDAHO
FILED _____

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

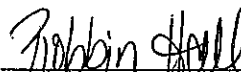
Water Right(s): 73-00159
73-12129 73-12130

On November 12, 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 November 12, 2008.



ROBBIN HALL
Deputy Clerk