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Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 10 2008	
By _____	Clerk
Deputy 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	) SPECIAL MASTER'S REPORT
	)
Case No. 39576	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW
	)
	) FOR WATER RIGHT 63-21846
	) and 63-30028

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

On June 8, 2007, the Black Canyon Irrigation District, through its attorney Charles F. McDevitt, filed an objection to the *Director's Report* for water right 63-30028, asserting that the source of the water right should be described as wastewater. Water right claim 63-21846 was identified by IDWR as an uncontested overlapping claim. On November 25, 2008, at a status conference on the record, Black Canyon Irrigation District withdrew its objection. Accordingly, there are no unresolved objections to these water right claims.

II. CONCLUSIONS OF LAW

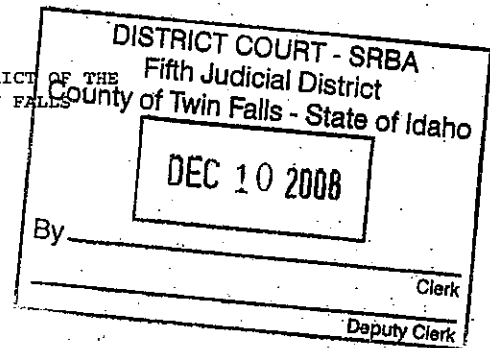
Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-21846 and 63-30028 be decreed with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec 10, 2008



Theodore R. Booth
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 63-21846

NAME AND ADDRESS: GERALD J HENGGELER
RT 1 WHITLEY DR
FRUITLAND, ID 83619

ROBERT M HENGGELER
5144 ELMORE RD
FRUITLAND, ID 83619

SOURCE: HURD GULCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.74 CFS
391.50 AFY

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION: T07N R05W S20 NESENE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.74 CFS 391.50 AFY

PLACE OF USE: Irrigation Within Payette County

T07N R05W S20	NENE 27.0	LOT 1 (NWNE) 31.0
LOT 2 (SWNE) 5.0		SENE 16.0
LOT 1 (NENW) 8.0		
87.0 Acres Total		

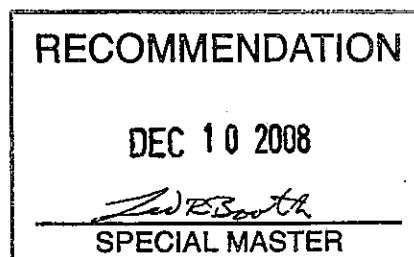
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 10 2008

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-30028

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LARRY H LEMONS
4607 BERTS LN
FRUITLAND, ID 83619

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.50 CFS

PRIORITY DATE: 04/15/1920

POINT OF DIVERSION: T07N R05W S20 SENE Within Payette County
LOT 3 (NESE)
SENE
LOT 4 (SESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.50 CFS
	Wildlife	01-01 TO 12-31	0.50 CFS

PLACE OF USE: Irrigation Within Payette County
T07N R05W S20 LOT 2 (SWNE) 0.3 SENE 8.5
LOT 3 (NESE) 13.0 LOT 4 (SESE) 3.2
25.0 Acres Total

Wildlife Within Payette County
T07N R05W S20 LOT 3 (NESE) LOT 4 (SESE)

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

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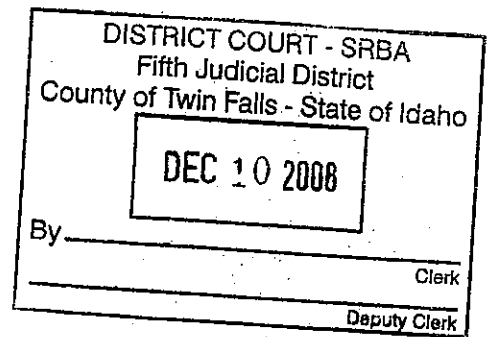
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

DEC 10 2008

John M. Melanson
SPECIAL MASTER

PAGE 1
Nov-25-2008



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

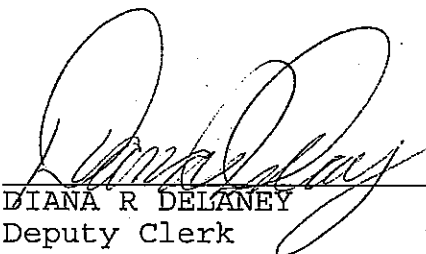
Water Right(s): 63-21846
63-30028

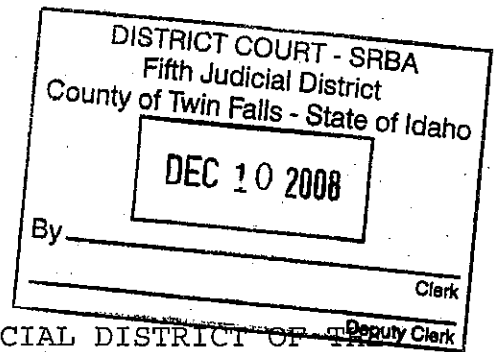
On December 10, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 December 10, 2008.


DIANA R DELANEY
Deputy 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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-21846
63-30028

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 December 10, 2008, with sufficient first-class postage prepaid to the following:

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

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BLACK CANYON IRRIGATION DIST
P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

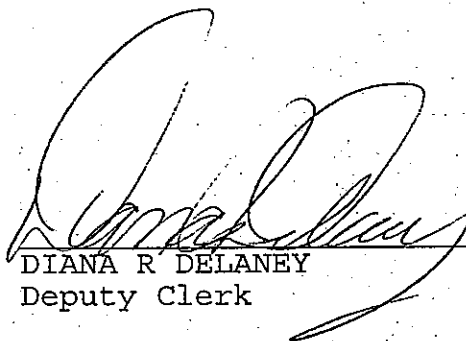
CERTIFICATE OF MAILING

PAGE 1
12/10/08

GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

LARRY H LEMONS
4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201



DIANA R DELANEY
Deputy Clerk