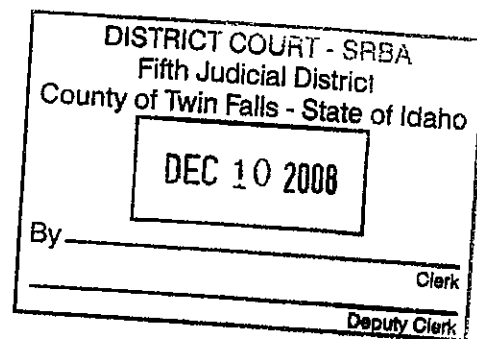


RECEIVED

DEC 15 2008

Department of Water Resources
Adjudication Bureau



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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-00070,
) 67-00072, and 67-00376

I. FINDINGS OF FACT

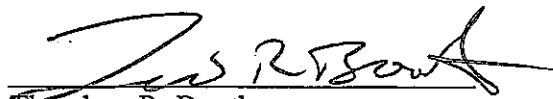
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

Although no objections were filed to the *Director's Report* for these claims, the claims were identified by IDWR as uncontested claims that may be affected by the outcome of the contested matters in subcases 67-00073C and 67-00074C. The contested claims have now been resolved, and accordingly the above-captioned water rights may be decreed consistent with the recommendations in the *Director's Report*.

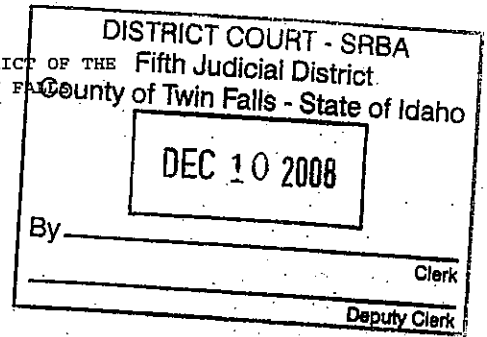
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 67-00070, 67-00072, and 67-00376 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees 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 67-00070

NAME AND ADDRESS: ELSIE B SHUMWAY
STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL, ID 83612

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.70 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T17N R01W S04 LOT 1 (SWNE) Within Adams County
S23 SWSWNE (Injection)
NWNWSW (Rediversion)

Water under this right may be injected into Fort Hall Creek at the POD shown above and re-diverted from Fort Hall Creek to the place of use from the point of diversion show above, but the water right may be exercised directly from the diversion from the Weiser River.
Water under this right may be re-diverted from Fort Hall Creek only when such water is injected into Fort Hall Creek.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.70 CFS

PLACE OF USE:	Irrigation	Within Adams County
T17N R01W S23	NESW 6.9	NWSW 30.0
	SWSW 30.0	SESW 3.9
S26	NENW 26.0	NWNW 36.0
132.8 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 132.8 acres in a single irrigation season.
Combined Right Nos.: 67-70, 67-72, and 67-376.
This right is limited to the irrigation of 56.0 acres within the place of use described above in a single irrigation season.

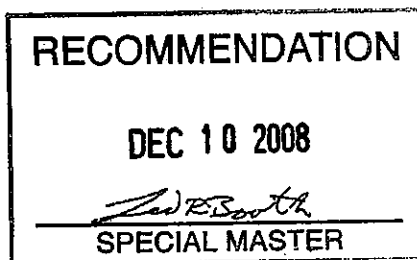
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

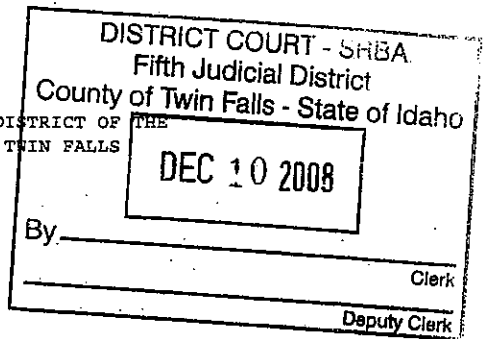
RULE 54(b) CERTIFICATE

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



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 67-00072

NAME AND ADDRESS: ELSIE B SHUMWAY
STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL, ID 83612

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.76 CFS

PRIORITY DATE: 05/01/1906

POINT OF DIVERSION: T17N R01W S04 LOT 1 (SWNE) Within Adams County
S23 SWSWNE (Injection)
NWNWSW (Rediversion)

Water under this right may be injected into Fort Hall Creek at the POD shown above and re-diverted from Fort Hall Creek to the place of use from the point of diversion show above, but the water right may be exercised directly from the diversion from the Weiser River.

Water under this right may be re-diverted from Fort Hall Creek only when such water is injected into Fort Hall Creek.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.76 CFS

PLACE OF USE:	Irrigation		Within Adams County
	T17N R01W S23	NESW 6.9	NWSW 30.0
		SWSW 30.0	SESW 3.9
	S26	NENW 26.0	NWNW 36.0
	132.8 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 132.8 acres in a single irrigation season. Combined Right Nos.: 67-70, 67-72, and 67-376. This right is limited to the irrigation of 60.8 acres within the place of use described above in a single irrigation season.

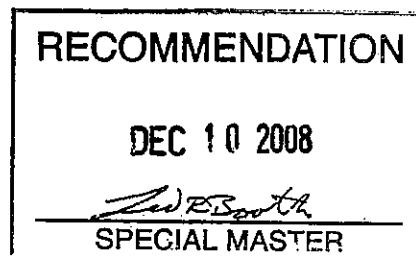
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 67-00376

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 10 2008	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL, ID 83612

SOURCE: FORT HALL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.20 CFS

PRIORITY DATE: 07/19/1893

POINT OF DIVERSION: T17N R01W S23 SWSNW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.20 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R01W S23	NESW 6.9 NWSW 30.0
	S26	SWSW 30.0 SESW 3.9
	132.8 Acres Total	NENW 26.0 NWNW 36.0

The rights listed below are limited to the irrigation of a combined total of 132.8 acres in a single irrigation season. Combined Right Nos.: 67-70, 67-72, and 67-376. This right is limited to the irrigation of 16.0 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

RECOMMENDATION
DEC 10 2008
<i>John M. Melanson</i>
SPECIAL MASTER

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

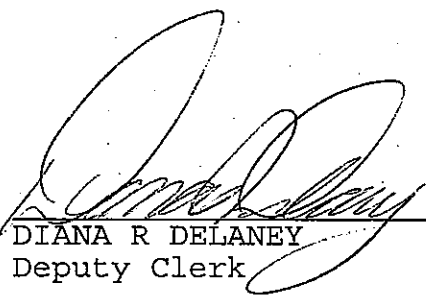
Water Right(s): 67-00070
67-00072 67-00376

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

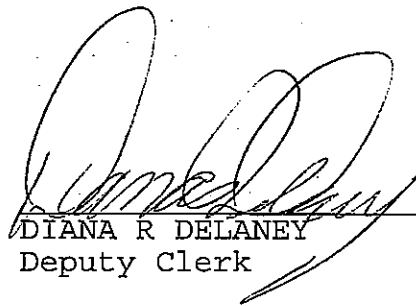
Water Right(s): 67-00070
67-00072 67-00376

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

ELSIE B SHUMWAY
STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL, ID 83612
Phone: 208-253-4409



DIANA R DELANEY
Deputy Clerk