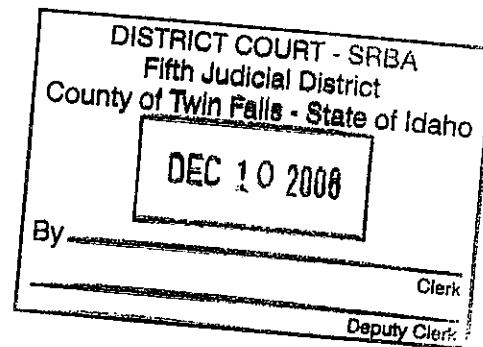


RECEIVED

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 67-00073A,
) 67-00074A, 67-00372A, 67-00373A,
) and 67-10136

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 water right 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 67-00073A, 67-00074A, 67-00372A, 67-00373A, and 67-10136 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

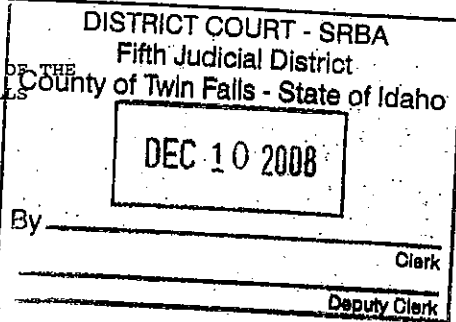
Dated

Dec 10, 2008

A handwritten signature in black ink, appearing to read "Theodore R. Booth".

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 67-00073A

NAME AND ADDRESS: DAN L MASDEO
735 W J ST
BENICIA, CA 94510

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.053 CFS

The rights listed below are limited to a total combined
diversion rate of 0.116 cfs for irrigation purposes. Combined
Right Nos: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 05/01/1906

POINT OF DIVERSION: T17N R01W S04 LOT 1. (NENE) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.053 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R01W S23	SWNE 0.5
	5.8 Acres Total	SENW 5.3

This right is limited to the irrigation of 4.3 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 5.8 acres in a single irrigation season.
Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and
67-10136.

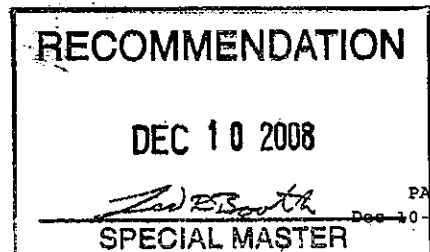
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 67-00074A

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

NAME AND ADDRESS: DAN L MASDEO
735 W J ST
BENICIA, CA 94510

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.011 CFS

The rights listed below are limited to a total combined
diversion rate of 0.116 cfs for irrigation purposes. Combined
Right Nos: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 05/01/1916

POINT OF DIVERSION: T17N R01W S04 LOT 1 (NENE) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.011 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R01W S23 5.8 Acres Total	SWNE 0.5 SENE 5.3

This right is limited to the irrigation of 0.8 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 5.8 acres in a single irrigation season.
Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and
67-10136.

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

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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

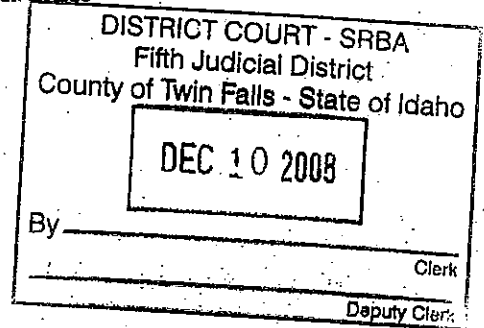
RECOMMENDATION
DEC 10 2008
<i>John M. Melanson</i>
SPECIAL MASTER

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)

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

Water Right 67-00372A



NAME AND ADDRESS: DAN L MASDEO
735 W J ST
BENICIA, CA 94510

SOURCE: FORT HALL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.006 CFS

The rights listed below are limited to a total combined
diversion rate of 0.116 cfs for irrigation purposes. Combined
Right Nos: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T17N R01W S23 NWNE Within Adams County
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.006 CFS
	Stockwater	01-01 TO 12-31	0.006 CFS

PLACE OF USE: Irrigation T17N R01W S23 SWNE 0.5 Within Adams County
5.8 Acres Total SENW 5.3
Stockwater Within Adams County
Same as Irrigation

This right is limited to the irrigation of 0.5 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 5.8 acres in a single irrigation season.
Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and
67-10136.

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

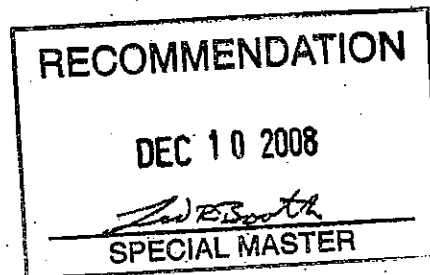
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-00373A

NAME AND ADDRESS: DAN L MASDEO
735 W J ST
BENICIA, CA 94510

SOURCE: FORT HALL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.006 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 0.116 cfs for irrigation purposes. Combined Right Nos: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION: T17N R01W S23 NWNE Within Adams County
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.006 CFS
	Stockwater	01-01 TO 12-31	0.006 CFS

PLACE OF USE: Irrigation T17N R01W S23 SWNE 0.5 Within Adams County
5.8 Acres Total SENW 5.3

Stockwater Within Adams County
Same as Irrigation

This right is limited to the irrigation of 0.5 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 5.8 acres in a single irrigation season. Combined Right Nos.: 67-73A, 67-74A, 67-372A, 67-373A, and 67-10136.

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

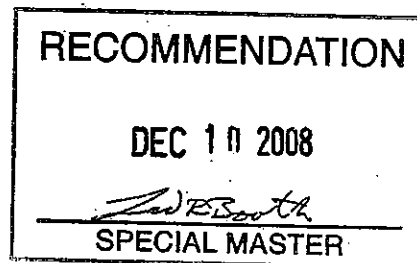
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

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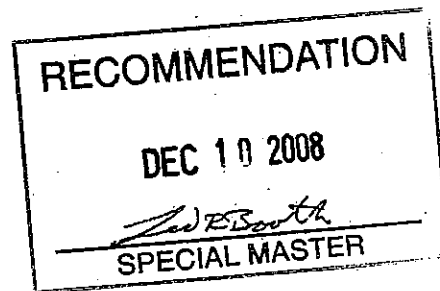
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

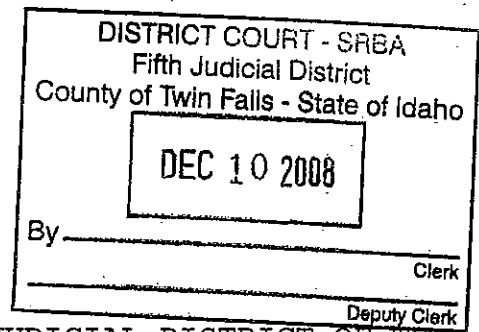


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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

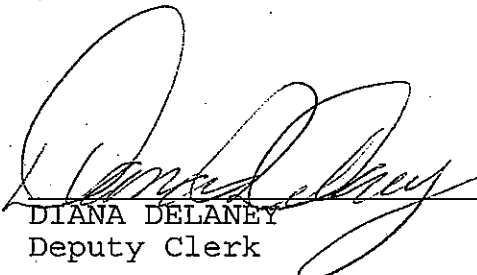
Water Right(s): 67-00073A
67-00074A 67-00372A 67-00373A
67-10136

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 (A01), 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 DELANEY
Deputy Clerk

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)

Case No. 39576)

CERTIFICATE OF MAILING

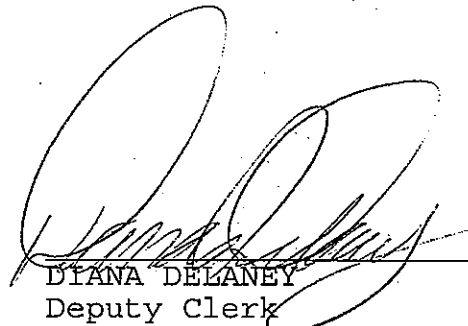
Water Right(s): 67-00073A
67-00074A 67-00372A 67-00373A
67-10136

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

DAN L MASDEO
735 W J ST
BENICIA, CA 94510
Phone: 925-586-2627


DIANA DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/10/08