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DEC 26 2008

DEPARTMENT OF
WATER RESOURCES

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

DEC 24 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) Subcase 47-7022
) (Courtney)
Case No. 39576)
) SPECIAL MASTER REPORT
)
)

Findings of Fact

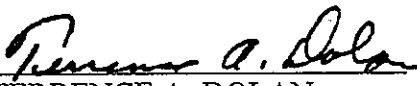
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 12, IDWR Basin 47* on February 2, 2007. The Director recommended the claim to John and Dessie Courtney, 2527 North, 2700 East, Twin Falls, Idaho, 83301, for .4 cfs from groundwater for year-'round stockwater use and to irrigate 269 acres in Twin Falls County from March 1 to November 1 with a priority date of January 23, 1968, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on September 18, 2007, objecting to place of use. On September 29, 2008, the claimants and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

The Courtneys are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-7022*.

DATED December 24, 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 47-07022

NAME AND ADDRESS: DESSIE D COURTNEY
JOHN K COURTNEY
2527 N 2700 E
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 0.40 CFS
195.40 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1098.0 af at the field headgate for the lands above.

PRIORITY DATE: 01/23/1968

POINT OF DIVERSION: T12S R16E S24 SWSWSE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-01	0.40 CFS
			194.00 AFY
	Stockwater	01-01 TO 12-31	0.03 CFS
			1.40 AFY

PLACE OF USE:	Irrigation		Within Twin Falls County
	T12S R16E S24	NENE 25.0	NWNE 20.0
		SWNE 9.0	SENE 39.0
		NESW 22.0	NWSW 16.0
		SWSW 30.0	SESW 20.0
		NESE 24.0	NWSE 2.0
		SWSE 25.0	SESE 37.0
	269.0 Acres Total		

	Stockwater		Within Twin Falls County
	T12S R16E S24	SWSE	SESE

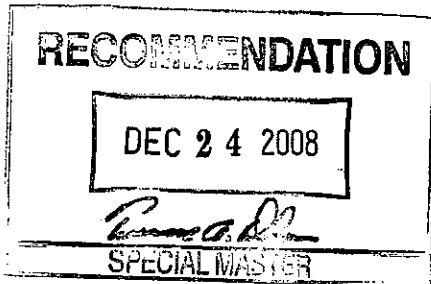
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. Rights 47-07022 and 47-07803A when combined shall not exceed the irrigation of 274.5 acres.

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 24 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) : 47-07022

CERTIFICATE OF MAILING

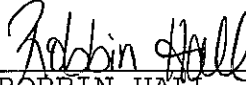
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 24, 2008, with sufficient first-class postage prepaid to the following:

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

DESSIE D COURTNEY
JOHN K COURTNEY
2527 N 2700 E
TWIN FALLS, ID 83301
Phone: 208-655-4236

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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12/24/08

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

DEC 24 2008

By _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE ^{Clerk}
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS ^{Deputy Clerk}

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

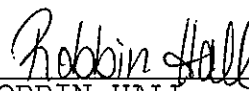
Water Right(s): 47-07022

On December 24, 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 December 24, 2008.



ROBBIN HALL
Deputy Clerk