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JAN 28 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 27 2009	
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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 22-303D,
_____	)	22-304D and 22-613D

I. FINDINGS OF FACT

Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

No objections were filed for water rights 22-303D, 22-304D and 22-613D. These water rights however, are used in combination with water right 22-2149B which was the subject of an *Objection*. The *Objection* was resolved at the Initial hearing held on August 20, 2008. At the hearing, Val Lofthouse made an oral *Motion to Withdraw Objection*. There was no opposition and the *Motion* was granted. There are no unresolved objections remaining. A *Notice of Completed Administrative Proceeding* was filed on October 1, 2008 changing ownership.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

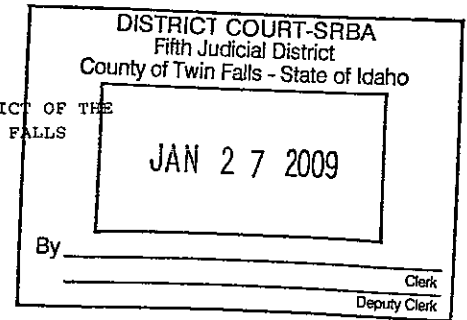
DATED: January 27, 2009.



BRIGETTE BILYEU
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00303D



NAME AND ADDRESS: DAVID M HEAD
LISA A HEAD
PO BOX 2042
NOME, AL 99762

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.50 CFS

The rights listed below are limited to a total combined
diversion rate of 1.78 cfs. Combined Right Nos.: 22-303D,
22-304D, 22-613D, 22-2149B

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T06N R45E S35 SWSNW Within Teton County
R46E S32 LOT 1 (NENWNE)

The point of diversion for this water right is in Wyoming, T44N,
R118W, Sec. 6 NESENE, LT 2 6PM for the Kilpack Ditch in section
32. The point of diversion shown above is where the conveyance
system enters Idaho.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.50 CFS

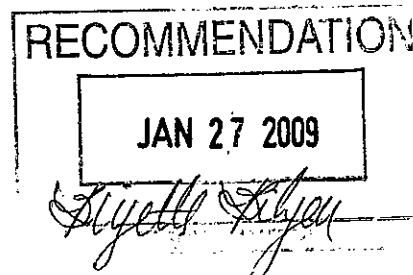
PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S34	SENE 12.0
	39.0 Acres Total	NESE 27.0

The rights listed below are limited to the irrigation of a
combined total of 39 acres in a single irrigation season.
Combined Right Nos.: 22-303D, 22-304D, 22-613D, and 22-2149B.

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

This water right is subject to the delivery provisions contained
in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4,
1941) ("Roxana decree"). Nothing in this Partial Decree is
intended to relieve or alter the state of Idaho nor the state of
Wyoming from their obligations contained in the Roxana decree.

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

JAN 27 2009

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00304D

NAME AND ADDRESS: DAVID M HEAD
LISA A HEAD
PO BOX 2042
NOME, AL 99762

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.50 CFS

The rights listed below are limited to a total combined
diversion rate of 1.78 cfs. Combined Right Nos.: 22-303D,
22-304D, 22-613D, 22-2149B

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION: T06N R45E S35 SWSNW Within Teton County
R46E S32 LOT 1 (NENWNE)

The point of diversion for this water right is in Wyoming, T44N,
R118W, Sec. 6 NESENE, LT 2 6PM for the Kilpack Ditch in section
32. The point of diversion shown above is where the conveyance
system enters Idaho.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S34 SENE 12.0	NESE 27.0
	39.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 39 acres in a single irrigation season.
Combined Right Nos.: 22-303D, 22-304D, 22-613D, and 22-2149B.

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

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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

JAN 27 2009

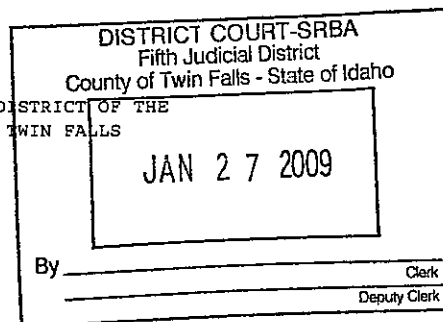
Rijetta L. Lujan

RULE 54(b) CERTIFICATE

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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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576)
) I.R.C.P. 54(b) FOR
)
) Water Right 22-00613D

NAME AND ADDRESS: DAVID M HEAD
LISA A HEAD
PO BOX 2042
NOME, AL 99762

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.78 CFS

The rights listed below are limited to a total combined
diversion rate of 1.78 cfs. Combined Right Nos.: 22-303D,
22-304D, 22-613D, 22-2149B

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T06N R45E S35 SWSNW Within Teton County
R46E S32 LOT 1 (NENWNE)

The point of diversion for this water right is in Wyoming, T44N,
R118W, Sec. 6 NESENE, LT 2 6PM for the Kilpack Ditch in section
32. The point of diversion shown above is where the conveyance
system enters Idaho.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.78 CFS

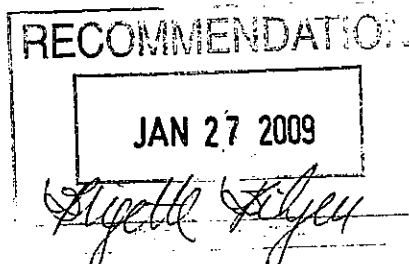
PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S34 SENE 12.0	NESE 27.0
	39.0 Acres Total	

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combined total of 39 acres in a single irrigation season.
Combined Right Nos.: 22-303D, 22-304D, 22-613D, and 22-2149B.

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WATER RESOURCES

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

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 27 2009
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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

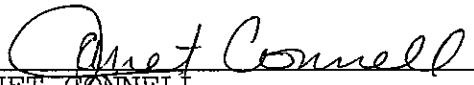
Water Right(s): 22-00303D
22-00304D 22-00613D

On January 27, 2009, Special Master BRIGETTE BILYEU 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 January 27, 2009.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 27 2009	
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

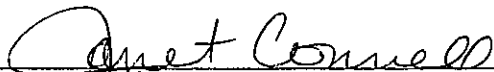
Water Right(s): 22-00303D
22-00304D 22-00613D

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 January 27, 2009, with sufficient first-class postage prepaid to the following:

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

DAVID M HEAD
LISA A HEAD
PO BOX 2042
NOME, AL 99762


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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01/27/09