

RECEIVED

FEB 11 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 9 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
)
Case No. 39576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-02256,
) 63-02711, 63-02938, 63-03056,
) and 63-28282

I. FINDINGS OF FACT

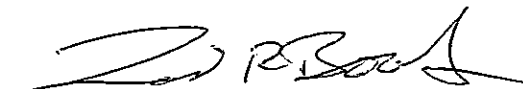
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On June 18, 2007, the Boise-Kuna Irrigation District, through its attorney Shelly M. Davis, filed an objection to the *Director's Report* for each right,¹ asserting that the source should be described as wastewater. On January 7, 2009, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-02256, 63-02711, 63-02938, 63-03056, and 63-28282 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Feb 9, 2009


Theodore R. Booth
Special Master
Snake River Basin Adjudication

¹ No objection was filed to water right claim 63-02938, which has a source of groundwater; the claim was identified as an uncontested overlap.

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

FEB - 9 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 63-02256

NAME AND ADDRESS: DAVID VASTINE
105 FLORADA AVE
PIEDMONT, CA 94610-1220

SOURCE: PANCHERI DRAIN TRIBUTARY: SNAKE RIVER
PECKHAM DRAIN TRIBUTARY: PANCHERI DRAIN

QUANTITY: 2.50 CFS
630.60 AFY

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are
limited to a total combined diversion rate of 5.48 cfs.

PRIORITY DATE: 02/01/1915

POINT OF DIVERSION: T01S R02W S24 NESW Within Canyon County
S25 NWNW
S26 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	2.50 CFS
			630.00 AFY
Domestic		01-01 TO 12-31	0.03 CFS
			0.60 AFY

The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.
Domestic use is for 2 homes.

PLACE OF USE:	Irrigation	Within Canyon County
T01S R02W S25	NWNW 7.0	SWNW 34.0
	SENW 2.0	NESW 8.0
	NWSW 9.0	
	S26 NENE 20.0	NWNE 24.0
	SENE 36.0	
140.0 Acres Total		

Domestic	Within Canyon County
T01S R02W S25	SWNW

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are
limited to the irrigation of a combined total of 274 acres in a
single irrigation season.

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

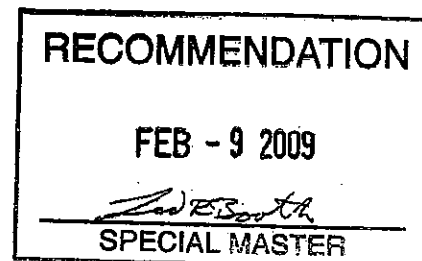
The source of this water right is waste water. The wasting of
water may be discontinued at any time.

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

FEB - 9 2009

By _____ Clerk

Deputy Clerk:

By _____ Clerk

Deputy Clerk:

PAGE 1
Feb-06-2009

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

RECOMMENDATION

FEB - 9 2009

Lawrence B. Booth
SPECIAL MASTER

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

FEB - 9 2009

By _____ Clerk

Deputy Clerk

By _____ Clerk

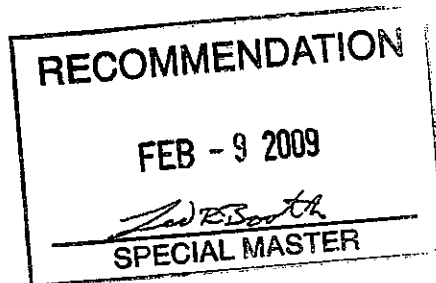
Deputy Clerk

PAGE 1
Feb-06-2009

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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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03056

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
FEB - 9 2009
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: DAVID VASTINE
105 FLORADA AVE
PIEDMONT, CA 94610-1220

SOURCE: PANCHERI DRAIN TRIBUTARY: SNAKE RIVER
PECKHAM DRAIN TRIBUTARY: PANCHERI DRAIN

QUANTITY: 1.00 CFS

Right Nos. 63-2256, 63-2711 63-2938, 63-3056 and 63-28282 are
limited to a total combined diversion rate of 5.48 cfs.

PRIORITY DATE: 07/07/1955

POINT OF DIVERSION: T01S R02W S24 SESW Within Canyon County
NESW
SESW
S25 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.00 CFS

PLACE OF USE: Irrigation Within Canyon County
T01S R02W S23 NESW 30.0 SESW 20.0
50.0 Acres Total

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are
limited to the irrigation of a combined total of 274 acres in a
single irrigation season.

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

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

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 Judicial District

RECOMMENDATION
FEB - 9 2009
SPECIAL MASTER

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

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

FEB - 9 2009

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-28282

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: DAVID VASTINE
105 FLORADA AVE
PIEDMONT, CA 94610-1220

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.32 CFS
32.20 AFY

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are
limited to a total combined diversion rate of 5.48 cfs.

PRIORITY DATE: 11/15/1959

POINT OF DIVERSION: T01S R02W S26 NWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.32 CFS
			141.30 AFY
	Irrigation Storage	01-01 TO 11-15	32.20 AFY
	Irrigation from Storage	03-01 TO 11-15	32.20 AFY
	Stockwater	01-01 TO 12-31	0.07 CFS
			3.20 AFY
	Stockwater Storage	01-01 TO 12-31	3.20 AFY
	Wildlife Storage	01-01 TO 12-31	32.20 AFY
	Diversion to Storage	01-01 TO 12-31	0.32 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T01S R02W S23	SESW 4.4
	S26	NWNE 9.0
	31.4 Acres Total	NENW 18.0
	Irrigation from Storage	Within Canyon County
	T01S R02W S23	SESW 4.4
	S26	NWNE 9.0
	31.4 Acres Total	NENW 18.0
	Stockwater	Within Canyon County
	T01S R02W S23	SESW
	S26	NWNE
		NENW
	Wildlife	Within Canyon County
	T01S R02W S26	NWNE

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are
limited to the irrigation of a combined total of 274 acres in a
single irrigation season.

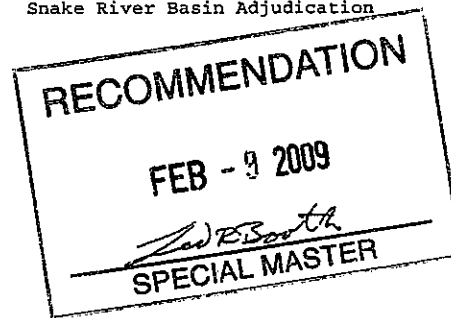
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

To the extent that water from this source is co-mingled with
waste water the wasting of water may be discontinued at any time.
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	
FEB - 9 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

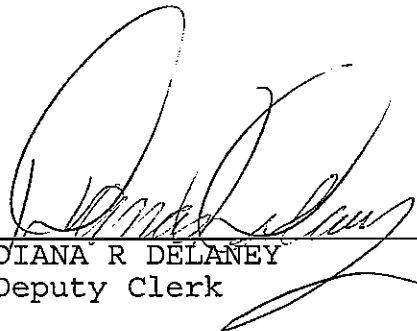
Water Right(s): 63-02256
63-02711 63-02938 63-03056
63-28282

On February 09, 2009, 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.

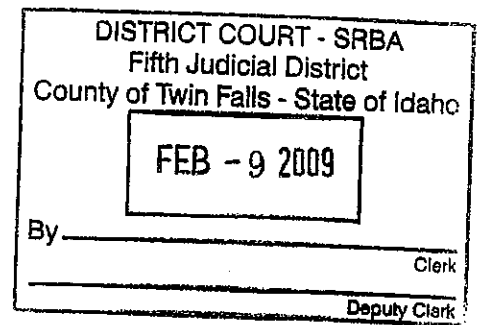
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 February 09, 2009.



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): 63-02256
63-02711 63-02938 63-03056
63-28282

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 February 09, 2009, with sufficient first-class postage prepaid to the following:

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

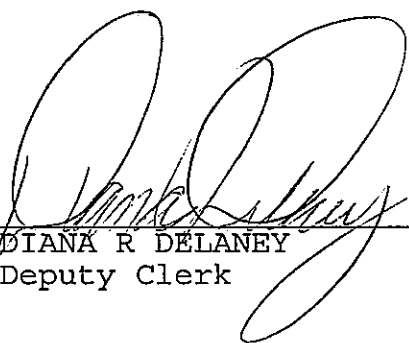
BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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02/09/09

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

DAVID VASTINE
105 FLORADA AVE
PIEDMONT, CA 94610-1220
Phone: 510-655-6553



DIANA R DELANEY
Deputy Clerk