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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 9 2009	
By _____	Clark
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: See Exhibit A

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 August 27, 2007, Russell L. Chastain filed an objection to the *Director's Report* for water right 67-00092. Although no objections were filed to water right claims 67-00089B, 67-04069, 67-04084, 67-07403, 67-15002, and 67-15003, these rights were identified by IDWR as uncontested claims that may be affected by the outcome of contested claim 67-00092. On January 30, 2009, a *Standard Form 5 – Stipulated Elements of a Water Right* was filed in subcase 67-00092 which resolved the objection. 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 67-00089B, 67-00092, 67-04069, 67-04084, 67-07403, 67-15002, and 67-15003 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

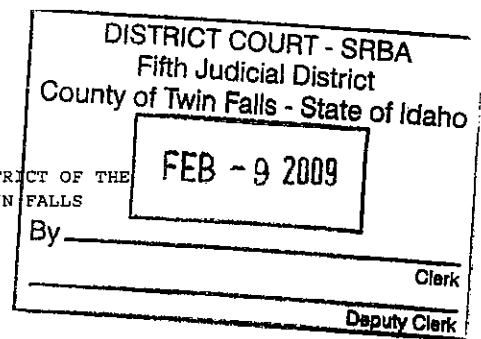


Theodore R. Booth
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

67-00089B
67-00092
67-04069
67-04084
67-07403
67-15002
67-15003



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 67-00089B

NAME AND ADDRESS: ALVIN YANTIS
2235 MIDDLE FORK RD
COUNCIL, ID 83612

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.42 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION: T15N R01W S14 NWNE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.42 CFS

PLACE OF USE: Irrigation
T15N R01W S10 NWNE 17.0 Within Adams County
NENW 24.0
NWNW 2.9
43.9 Acres Total

This right is limited to the irrigation of 33.6 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 43.9 acres in a single irrigation season. Combined Right Nos.: 67-89B, 67-4069, and 67-7403.

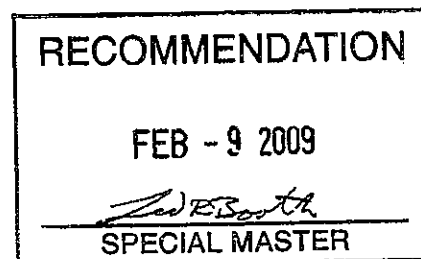
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

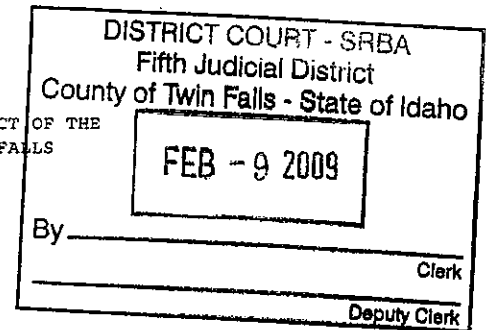
RULE 54(b) CERTIFICATE

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-00092

NAME AND ADDRESS: THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL, ID 83612-0293

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION: T15N R01W S14 NWNE Within Adams County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 10-31 0.10 CFS

PLACE OF USE: Irrigation Within Adams County
T15N R01W S10 NWNW 8.0
8.0 Acres Total

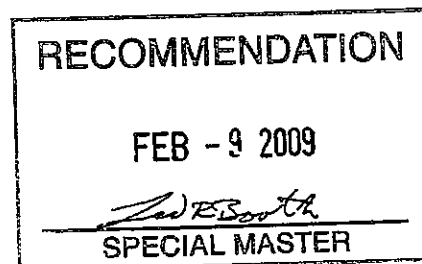
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 67-04069

NAME AND ADDRESS: ALVIN YANTIS
2235 MIDDLE FORK RD
COUNCIL, ID 83612

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.71 CFS

PRIORITY DATE: 05/18/1918

POINT OF DIVERSION: T15N R01W S14 NWNE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.71 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T15N R01W S10	NWNE 17.0 NENW 24.0 NWNW 2.9
	43.9 Acres Total	

This right is limited to the irrigation of 33.6 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 43.9 acres in a single irrigation season. Combined Right Nos.: 67-89B, 67-4069, and 67-7403.

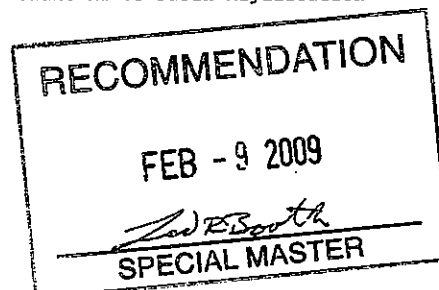
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 67-04084

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: DON M WARREN SR
PO BOX 17
SALYER, CA 95563-0017

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.13 CFS

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

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION: T15N R01W S10 NWSNW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.13 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation		Within Adams County
	T15N R01W S10	NWNW 0.9	SWNW 2.2
		SENW 1.2	
	4.3 Acres Total		

Stockwater		Within Adams County	
	T15N R01W S10	NWNW	SWNW
		SENW	

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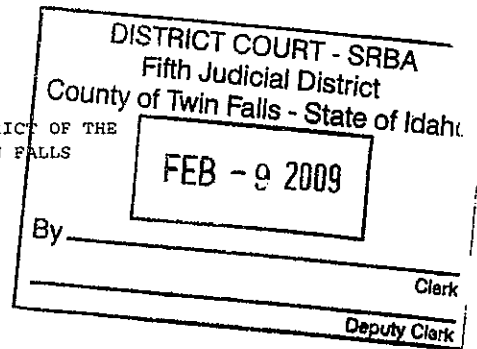
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

FEB - 9 2009

Lee B. Booth
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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 67-07403

NAME AND ADDRESS: ALVIN YANTIS
2235 MIDDLE FORK RD
COUNCIL, ID 83612

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.21 CFS
41.20 AFY

PRIORITY DATE: 06/08/1978

POINT OF DIVERSION: T15N R01W S14 NWNE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.21 CFS 41.20 AFY

PLACE OF USE: Irrigation Within Adams County
T15N R01W S10 NWNE 17.0 NENW 24.0
NWNW 2.9
43.9 Acres Total

This right is limited to the irrigation of 10.3 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 43.9 acres in a single irrigation season. Combined Right Nos.: 67-89B, 67-4069, and 67-7403.

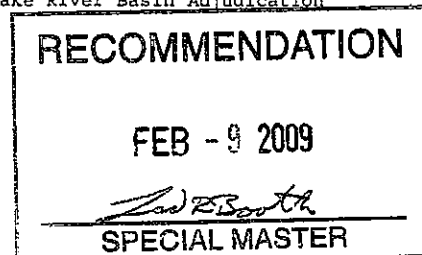
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

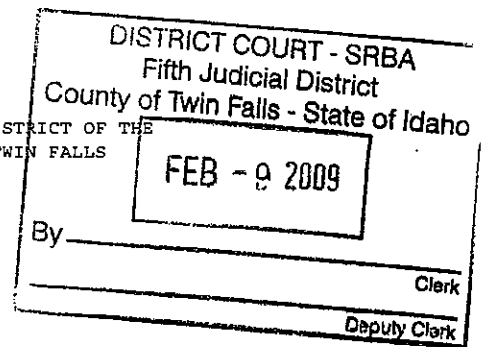


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

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

Water Right 67-15002



NAME AND ADDRESS: ROBERT J GILMAN
2168 MIDDLEFORK RD
COUNCIL, ID 83612

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.25 CFS

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

PRIORITY DATE: 10/31/1925

POINT OF DIVERSION: T15N R01W S03 SWSWSW Within Adams County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.25 CFS
	Stockwater	03-15 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Adams County
T15N R01W S04 SWSE 17.0 SESE 5.4
22.4 Acres Total

Stockwater Within Adams County
Same as Irrigation

Right Nos. 67-00084 and 67-15002 are limited to the irrigation
of a combined total of 22.4 acres in a single irrigation season.

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
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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 National

RECOMMENDATION

FEB - 9 2009

SPECIAL MASTER

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

FEB - 9 2009

By _____ Clk.

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)
_____)

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

Water Right 67-15003

NAME AND ADDRESS: NORMA J RATCLIFF
1491 SHAW LN
COUNCIL, ID 83612

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.09 CFS

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

PRIORITY DATE: 10/31/1925

POINT OF DIVERSION: T15N R01W S03 SWSWSW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.09 CFS
	Stockwater	03-15 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Adams County

T15N R01W S03	SWSW	1.0
S04	SESE	4.6
S09	NENE	2.5
S10	NWNW	0.5
8.6 Acres Total		

Stockwater Within Adams County
Same as Irrigation

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
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RECOMMENDATION

John M. [Signature]
Presiding Judge of the
Snake River Basin Adjudication

FEB - 9 2009

[Signature]
SPECIAL MASTER

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

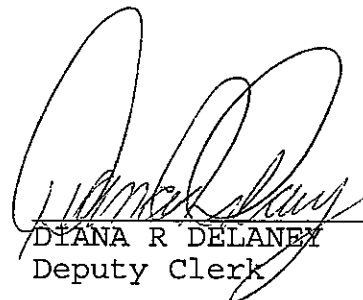
Water Right(s): 67-00089B
67-00092 67-04069 67-04084
67-07403 67-15002 67-15003

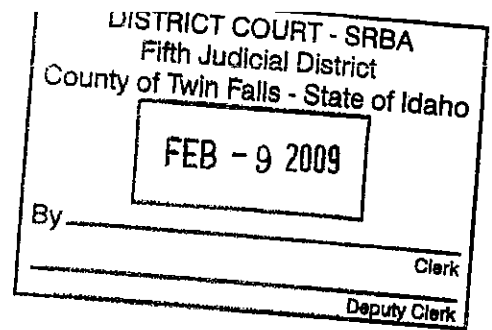
On February 09, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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) : 67-00089B
67-00092 67-04069 67-04084
67-07403 67-15002 67-15003

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

DON M WARREN SR
PO BOX 17
SALYER, CA 95563-0017
Phone: 530-629-4361

THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL, ID 83612-0293

NORMA J RATCLIFF
1491 SHAW LN
COUNCIL, ID 83612

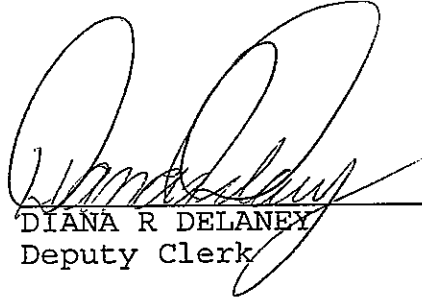
CERTIFICATE OF MAILING

PAGE 1
02/09/09

RUSSELL L CHASTAIN
1496 SHAW LN
PO BOX 870
COUNCIL, ID 83612
Phone: 208-253-0030

ROBERT J GILMAN
2168 MIDDLEFORK RD
COUNCIL, ID 83612

ALVIN YANTIS
2235 MIDDLE FORK RD
COUNCIL, ID 83612
Phone: 208-253-4411



DIANA R DELANEY
Deputy Clerk