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MAR 13 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 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 63-05343,
	) 63-16386, and 63-16543

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 for the elements of water rights 63-05343 and 63-16386. Water right claim 63-16543 was recommended to be disallowed.

On June 26, 2007, the claimant of the water rights, X L Ranch c/o William C. Clayton, through his attorney Jon Gould, filed an objection to the *Director's Report*. On March 9, 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 63-05343, 63-16386, and 63-16543 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P.*

54(b).

Dated

March 12, 2009

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-16543

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR 12 2009 By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: X L RANCH
C/O WILLIAM C CLAYTON
6622 JOPLIN RD
NAMPA, ID 83687

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 04/15/1965

POINT OF DIVERSION: T04N R02W S24 SWSWNE Within Canyon County
SWSNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.12 CFS

PLACE OF USE: Irrigation Within Canyon County
T04N R02W S24 SWNE 2.4 SENW 1.6
4.0 Acres Total

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

RECOMMENDATION MAR 12 2009 <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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-05343

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 12 2009
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: X L RANCH
C/O WILLIAM C CLAYTON
6622 JOPLIN RD
NAMPA, ID 83687

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 0.39 CFS

PRIORITY DATE: 03/15/1920

POINT OF DIVERSION: T04N R02W S24 SWSWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.03 CFS
	Irrigation	03-15 TO 11-15	0.39 CFS

PLACE OF USE: Irrigation Within Canyon County
T04N R02W S24 SWNE 1.9 SWNW 2.8
SENE 15.0
19.7 Acres Total

Stockwater Within Canyon County
T04N R02W S24 SWNE SWNW
SENE

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.
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).

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

RECOMMENDATION
MAR 12 2009
<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 63-16386

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 12 2009
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: X L RANCH
C/O WILLIAM C CLAYTON
6622 JOPLIN RD
NAMP, ID 83687

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 2.72 CFS

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

PRIORITY DATE: 03/15/1900

POINT OF DIVERSION: T04N R01W S19 NENESW Within Ada County
R02W S24 SWSENE Within Canyon County
SESENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.03 CFS
	Irrigation	03-15 TO 11-15	2.72 CFS

PLACE OF USE: Irrigation Within Canyon County

T04N R02W S13 LOT 6	(SESW) 1.3	LOT 7	(SWSE) 26.0
S24 LOT 1	(NENE) 34.0		NWNE 24.0
	SWNE 15.0		SENE 35.0
	NENW 0.7		
136.0 Acres Total			

Stockwater Within Canyon County

T04N R02W S13 LOT 3	(NESW)	LOT 4	(NWSW)
LOT 6	(SESW)	LOT 7	(SWSE)
LOT 7	(SESE)		
S24 LOT 1	(NENE)		NWNE
	SWNE		SENE
	NENW		SENW

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

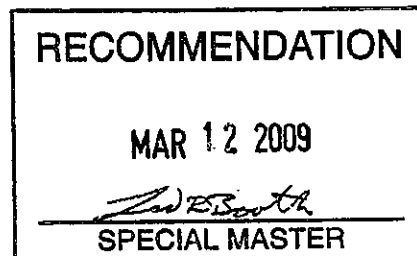
The source of this water right is waste water. The wasting of
water may be discontinued at any time.
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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



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

MAR 12 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): 63-05343
63-16386 63-16543

On March 12, 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 March 12, 2009.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 12 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

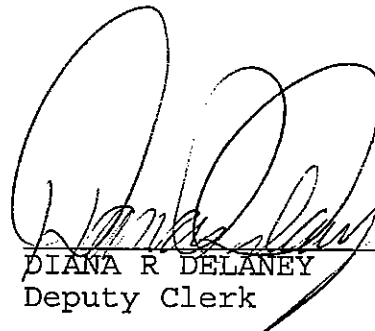
Water Right(s): 63-05343
63-16386 63-16543

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 March 12, 2009, with sufficient first-class postage prepaid to the following:

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

WILLIAM CLAYTON
X L RANCH
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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03/11/09