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MAR 24 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 23 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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-00322,
) 67-02208, 67-04103, 67-11025, 67-11026,
) and 67-12330

I. FINDINGS OF FACT

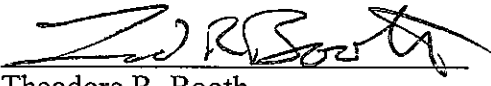
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* recommended that 67-04103 be disallowed, and contained a recommendation or abstract for the elements of the remainder of these water rights.

On August 15, 2007, the claimant of these rights, Anthony J. Finchen, filed an objection to the *Director's Report* for 67-04103. The remainder of the claims were identified by IDWR as uncontested claims that may be affected by the outcome of contested right 67-04103. On September 2, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 67-00322, 67-02208, 67-04103, 67-11025, 67-11026, and 67-12330 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 23, 2009


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

MAR 23 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 67-00322

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.08 CFS

The rights listed below are limited to a total combined
diversion rate of 2.34 cfs. Combined Right Nos.: 67-322,
67-2208, 67-11025, 67-11026, and 67-12330

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION: T16N R01W S28 NESE Within Adams County
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.08 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T16N R01W S27 NWSW 16.0	
	S28 NESE 9.0	NWSE 8.4
	33.4 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 117.0 acres in a single irrigation season.
Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and
67-12330

The rights listed below are limited to the irrigation of a
combined total of 33.4 acres in a single irrigation season.
Combined Right Nos.: 67-322 and 67-11025

This right is limited to the irrigation of 6.4 acres within the
place of use described above in a single irrigation season.

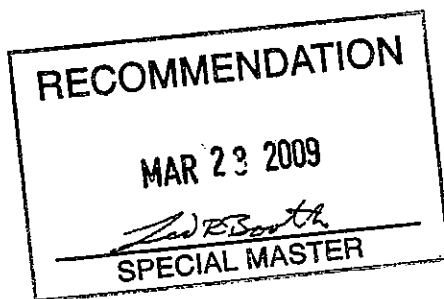
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	
MAR 23 2009	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 67-02208

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244

SOURCE: GROUND WATER

QUANTITY: 0.33 CFS
132.00 AFY

The rights listed below are limited to a total combined
diversion rate of 2.34 cfs. Combined Right Nos.: 67-322,
67-2208, 67-11025, 67-11026, and 67-12330

The rights listed below are limited to a total combined
diversion rate of 1.92 cfs. Combined Right Nos.: 67-2208,
67-11026, and 67-12330

Right Nos. 67-2208 and 67-12330 are limited to a total combined
annual diversion volume of 132.0 AF.

PRIORITY DATE: 10/12/1951

POINT OF DIVERSION: T16N R01W S27 NWSW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.33 CFS 132.00 AFY

PLACE OF USE:	Irrigation	Within Adams County
	T16N R01W S27	SWNW 30.0
	S28	SENE 1.0
	33.3 Acres Total	NWSW 2.3

The rights listed below are limited to the irrigation of a
combined total of 117.0 acres in a single irrigation season.
Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and
67-12330

The rights listed below are limited to the irrigation of a
combined total of 96.2 acres in a single irrigation season.
Combined Right Nos.: 67-2208, 67-11026 and 67-12330

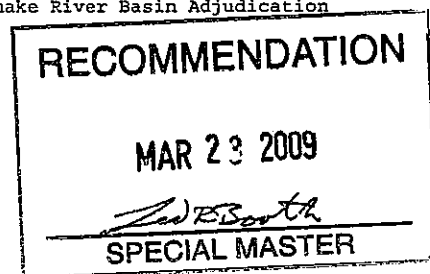
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 67-04103

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 23 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244

SOURCE: LESTER CREEK TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.48 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION: T16N R01W S27 SENW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.48 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T16N R01W S27	S28 SWNW 17.0 NWSW 3.0
	S28	SENE 6.0 NESE 10.0
	36.0 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
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
MAR 23 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 67-11025

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 23 2009	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.59 CFS

The rights listed below are limited to a total combined
diversion rate of 2.34 cfs. Combined Right Nos.: 67-322,
67-2208, 67-11025, 67-11026, and 67-12330

PRIORITY DATE: 08/31/1953

POINT OF DIVERSION: T16N R01W S28 NWSE Within Adams County
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.59 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T16N R01W S27	NWSW 16.0
	S28	NESE 9.0
	33.4 Acres Total	NWSE 8.4

The rights listed below are limited to the irrigation of a
combined total of 117.0 acres in a single irrigation season.
Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and
67-12330

The rights listed below are limited to the irrigation of a
combined total of 33.4 acres in a single irrigation season.
Combined Right Nos.: 67-322 and 67-11025

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).

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

RECOMMENDATION
MAR 23 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

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-11026

MAR 23 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER
LESTER CREEK TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 1.92 CFS

The rights listed below are limited to a total combined
diversion rate of 1.92 cfs. Combined Right Nos.: 67-2208,
67-11026, and 67-12330

The rights listed below are limited to a total combined
diversion rate of 2.34 cfs. Combined Right Nos.: 67-322,
67-2208, 67-11025, 67-11026, and 67-12330

PRIORITY DATE: 05/21/1957

POINT OF DIVERSION: T16N R01W S27 SENW Within Adams County
S28 NWSW
NESE
NWSE
S35 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.92 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T16N R01W S27	SWNW 32.0 NWSW 7.2
	S28	NENE 12.0 SENE 26.0
		NESE 17.0 NWSE 2.0
	96.2 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 96.2 acres in a single irrigation season.
Combined Right Nos.: 67-2208, 67-11026 and 67-12330

The rights listed below are limited to the irrigation of a
combined total of 117.0 acres in a single irrigation season.
Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and
67-12330

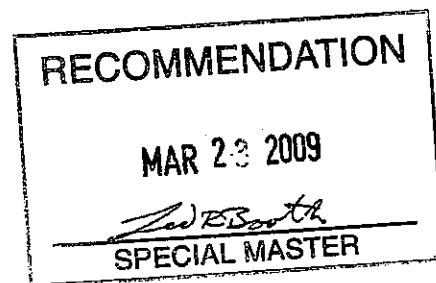
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

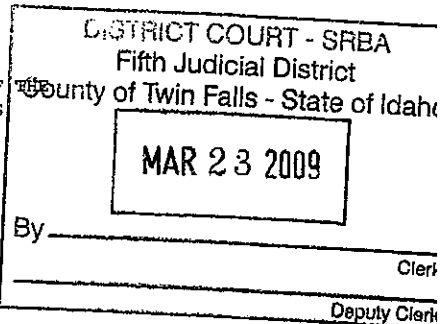
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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 67-12330

NAME AND ADDRESS: ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244

SOURCE: GROUND WATER

QUANTITY: 0.43 CFS
132.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.34 cfs. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330
The rights listed below are limited to a total combined diversion rate 1.92 cfs. Combined Right Nos.: 67-2208, 67-11026, and 67-12330
Right Nos. 67-2208 and 67-12330 are limited to a total combined annual diversion volume of 132.0 AF.

PRIORITY DATE: 02/15/1963

POINT OF DIVERSION: T16N R01W S27 SWNW Within Adams County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.43 CFS
132.00 AFY

PLACE OF USE: Irrigation Within Adams County
T16N R01W S27 SWNW 30.0 NWSW 2.3
S28 SENE 1.0
33.3 Acres Total

The rights listed below are limited to the irrigation of a combined total of 117.0 acres in a single irrigation season. Combined Right Nos.: 67-322, 67-2208, 67-11025, 67-11026, and 67-12330
The rights listed below are limited to the irrigation of a combined total of 96.2 acres in a single irrigation season. Combined Right Nos.: 67-2208, 67-11026 and 67-12330

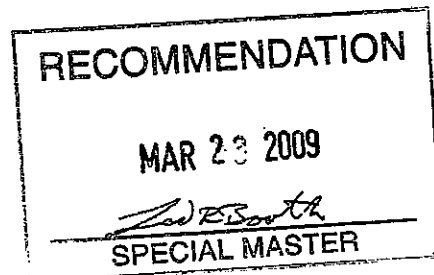
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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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 23 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

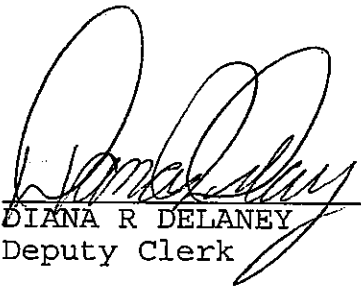
Water Right(s): 67-00322
67-02208 67-04103 67-11025
67-11026 67-12330

On March 23, 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.

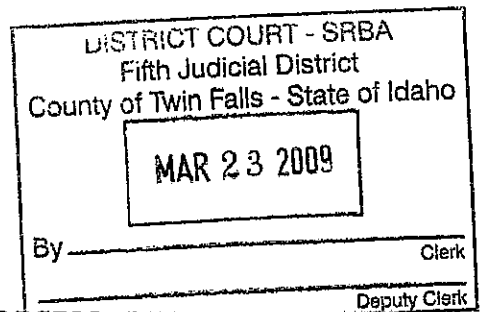
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 23, 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

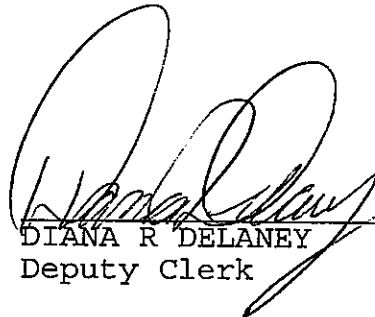
Water Right(s): 67-00322
67-02208 67-04103 67-11025
67-11026 67-12330

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 23, 2009, with sufficient first-class postage prepaid to the following:

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

ANTHONY J FINCHEN
2205 JACKSON CREEK RD
COUNCIL, ID 83612-5244
Phone: 208-253-4680


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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03/23/09