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APR 22 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 21 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 67-15008 and
) 67-15009 (split from 67-00200)

I. FINDINGS OF FACT

A notice of claim was filed for water right 67-00200 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 this water right.

On December 23, 2008, the claimant of water right 67-00200, Michael Macedo, moved for leave of court to file an amended notice of claim for the right. The motion was granted, and on January 28, 2009, IDWR filed an *Amended Director's Report* for water right 67-00200. No objections were filed to the *Amended Director's Report*, and the time for objecting has expired. On February 12, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* which split water right 67-00200 into right nos. 67-15008 and 67-15009.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 67-15008 and 67-15009 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right number 67-00200.

Dated April 21, 2009


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

DISTRICT COURT - SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

APR 21 2009

By _____ Clerk

Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-15008

NAME AND ADDRESS: MICHAEL D MACEDO
1254 W 1ST ST
WEISER, ID 83672-1522

SOURCE: PINE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.40 CFS
90.80 AFY

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION: T15N R03W S30 SWSW Within Washington County
S31 SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.40 CFS 90.80 AFY

PLACE OF USE:	Irrigation	Within Washington County
	T15N R03W S31 SWNE 2.0 LOT 1 (NWNW) 4.6 22.7 Acres Total	NENW 9.2 SENE 6.9

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

RECOMMENDATION

APR 21 2009

Lawrence 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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-15009

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 21 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: ARVID MYHRE
FERRINI RANCH
PO BOX 459
SAN ARDO, CA 93450

SOURCE: PINE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.25 CFS
57.20 AFY

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION: T15N R03W S30 SWSW Within Washington County
S31 SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.25 CFS 57.20 AFY

PLACE OF USE:	Irrigation	Within Washington County
	T15N R03W S31	SWNE 10.0 SENW 2.4 NWSE 1.9
	14.3 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
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RULE 54(b) CERTIFICATE

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

RECOMMENDATION
APR 21 2009
<i>Lawrence B. Smith</i>
SPECIAL AG

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 21 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

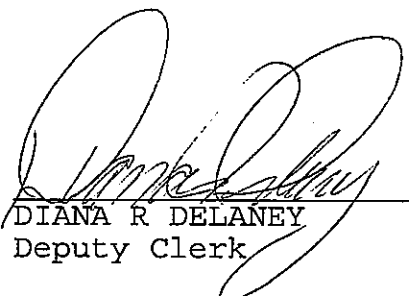
Water Right(s): 67-00200
67-15008 67-15009

On April 21, 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 April 21, 2009.



DIANA R DELANEY
Deputy Clerk

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

APR 21 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): 67-00200
67-15008 67-15009

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 April 21, 2009, with sufficient first-class postage prepaid to the following:

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

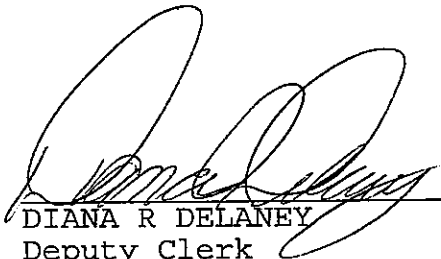
ARVID MYHRE
Represented by:
HAMMOND, JR. JOHN RICHARD
FISHER PUSCH & ALDERMAN LLP
PO BOX 1308
BOISE, ID 83701
Phone: 208-331-1000

ARVID MYHRE
FERRINI RANCH
PO BOX 459
SAN ARDO, CA 93450

CERTIFICATE OF MAILING

MICHAEL D MACEDO
1254 W 1ST ST
WEISER, ID 83672-1522
Phone: 208-257-3709

MICHAEL D MACEDO
3057 HWY 71
CAMBRIDGE, ID 83610-5090



DIANA R DELANEY
Deputy Clerk