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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| APR 22 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 RIGHT 78-10215 |

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right 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 this water right claim be disallowed.

On September 13, 2007, the claimants of the water right, Jack and Arlene Hubbard, filed an objection to the *Director's Report*. On June 4, 2008, the claimants filed a *Motion to File Amended Notice of Claim*, which was granted on August 8, 2008. On October 20, 2008, IDWR filed an *Amended Director's Report* for this water right claim. No objections were filed to the *Amended Director's Report*, and the time for objecting has expired.

II. CONCLUSIONS OF LAW

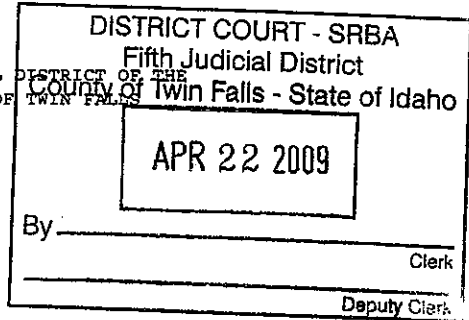
Therefore based on the file and record herein, IT IS RECOMMENDED that water right 78-10215 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 22, 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



In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 78-10215

NAME AND ADDRESS: ARLENE HUBBARD  
JACK D HUBBARD  
3127 SUBSTATION RD  
NEW MEADOWS, ID 83654

SOURCE: UNNAMED DRAIN TRIBUTARY: LITTLE CREEK  
WASTE WATER TRIBUTARY: LITTLE CREEK

QUANTITY: 3.00 CFS

PRIORITY DATE: 04/05/1957

POINT OF DIVERSION: T19N R02E S30 SENW Within Adams County  
NESW  
NESW  
SESW  
SESW  
SESW  
SESW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 3.00 CFS |

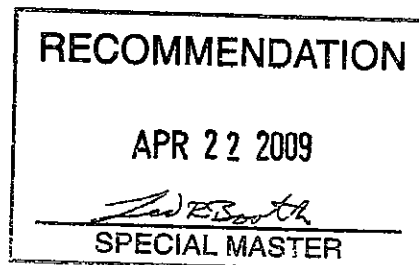
| PLACE OF USE: | Irrigation        | Within Adams County    |
|---------------|-------------------|------------------------|
|               | T19N R02E S30     | NENW 36.0<br>NESW 40.0 |
|               |                   | SENW 40.0<br>SESW 37.0 |
|               | 153.0 Acres Total |                        |

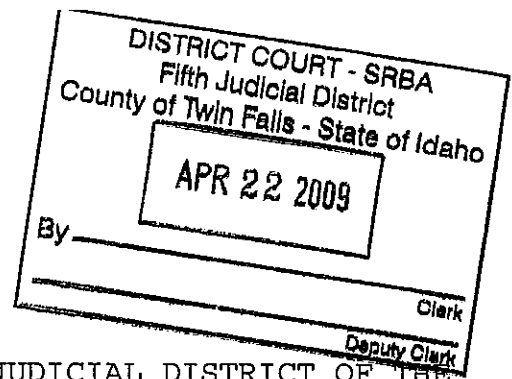
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 78-183, 78-184, 78-10071 AND 78-10215

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

THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL  
APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS  
GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO  
CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING  
IT, OR TO RECAPTURE IT.

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).





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

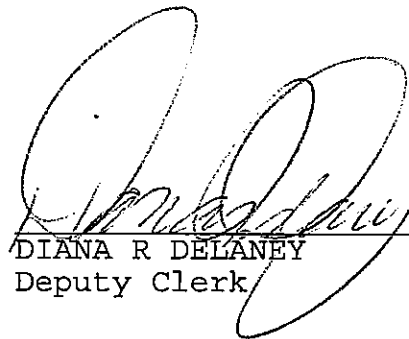
Water Right(s): 78-10215

On April 22, 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.

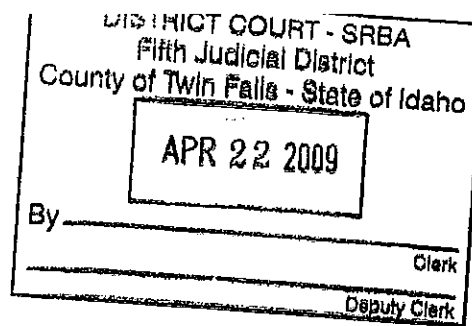
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 22, 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 )

CERTIFICATE OF MAILING

Case No. 39576 )

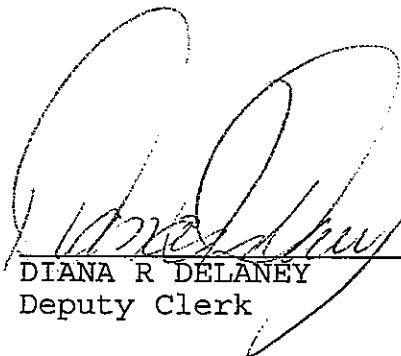
Water Right(s): 78-10215

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 22, 2009, with sufficient first-class postage prepaid to the following:

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

ARLENE HUBBARD  
JACK & ARLENE HUBBARD  
JACK D HUBBARD  
3127 SUBSTATION RD  
NEW MEADOWS, ID 83654



DIANA R DELANEY  
Deputy Clerk