

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 22 2009

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 78-12356

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

NAME AND ADDRESS: JEVON TRUEX  
TAMI TRUEX  
14006 EASY ST  
MC CALL, ID 83638

SOURCE: LITTLE SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.27 CFS

PRIORITY DATE: 04/16/1919

POINT OF DIVERSION: T19N R01E S23 NWNE Within Adams County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.27 CFS |

| PLACE OF USE: | Irrigation       | Within Adams County |
|---------------|------------------|---------------------|
|               | T19N R01E S12    | SWNW 4.1            |
|               | 11.1 Acres Total | SENEW 7.0           |

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 22 2009

*David R. Booth*  
SPECIAL MASTER

RECEIVED

APR 23 2009

DEPARTMENT OF  
WATER RESOURCES

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

Case No. 39576

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHTS 78-02019A,  
) 78-02019B, 78-04282A, 78-04282B,  
) 78-12354, 78-12355, 78-12356, 78-12357,  
) 78-12358, and 78-12359  
)  
) RECOMMENDATION OF  
) DISALLOWANCE FOR CLAIM  
) NUMBERS 78-02019, 78-04282,  
) 78-02019C, and 78-04282C

I. FINDINGS OF FACT

Notices of claim were filed for water rights 78-02019 and 78-04282 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 right.

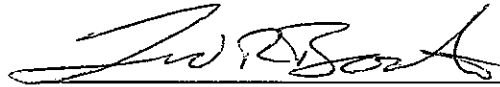
On May 9, 2007, the McNeal Family Limited Partnership, through its attorney Charles L. Honsinger, filed an objection to the *Director's Report* for water right 78-04282. Water right 78-02019 was identified by IDWR as an uncontested claim that may be affected by the outcome of contested claim 78-04282. On April 23, 2008, the McNeal Family Limited Partnership filed a withdrawal of its objection. After the *Director's Report* was filed, IDWR filed several *Notices of Completed Administrative Proceedings* which split water right 78-02019 and 78-04282 into the water right numbers recommended herein.

II. CONCLUSIONS OF LAW

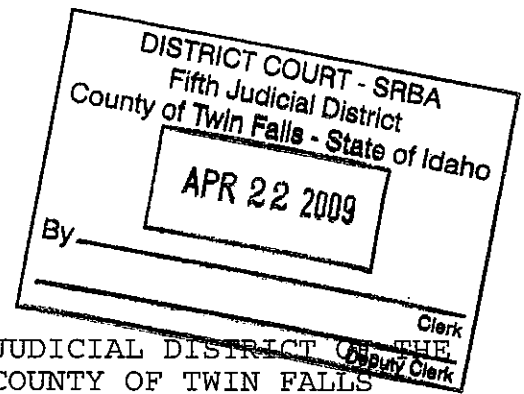
Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 78-02019A, 78-02019B, 78-04282A, 78-04282B, 78-12354, 78-12355, 78-12356, 78-12357, 78-

12358, and 78-12359 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 78-02019, 78-04282, 78-02019C, and 78-04282C for the reason that these number are the root numbers of the split rights and are no longer valid water right numbers.

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

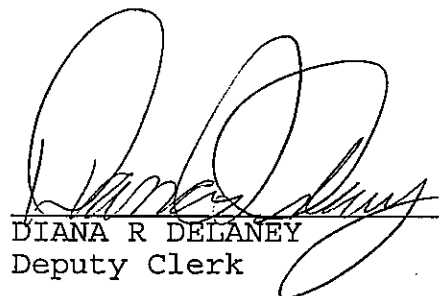
Water Right(s): 78-02019A  
78-02019B 78-04282A 78-04282B  
78-12354 78-12355 78-12356  
78-12357 78-12358 78-12359

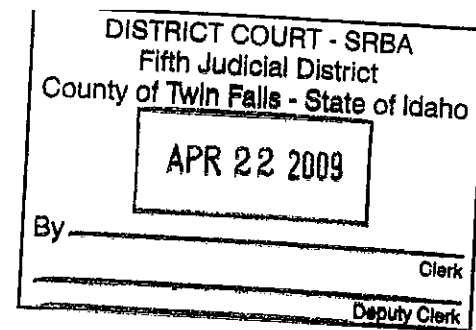
On April 22, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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  
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Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 78-02019A  
78-02019B 78-04282A 78-04282B  
78-12354 78-12355 78-12356  
78-12357 78-12358 78-12359

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

MC NEAL FAMILY PARTNERSHIP  
PO BOX 2016  
BOISE, ID 83701

MARY J HORN  
MICHAEL J HORN  
PO BOX 628  
KINGS BEACH, CA 96143-0628

JEVON TRUEX  
TAMI TRUEX  
14006 EASY ST  
MC CALL, ID 83638

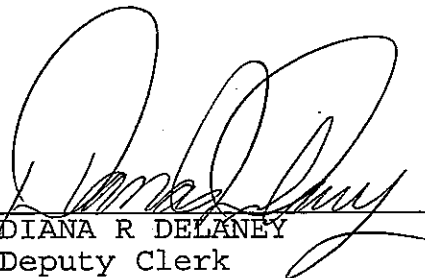
CERTIFICATE OF MAILING

PAGE 1  
04/22/09

JUDITH R BECK  
26195 MOONGLOW DR  
MIDDLETON, ID 83644

EDMOND F WEGLARZ JR  
7780 CAMBRIDGE MANOR PL STE D  
FT MYERS, FL 33907

DENNIS L JOHNSON  
KATHRYN A JOHNSON  
926 W OAKHAMPTON DR  
EAGLE, ID 83616



DIANA R DELANEY  
Deputy Clerk