

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 78-12358

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho APR 22 2009 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: EDMOND F WEGLARZ JR
7780 CAMBRIDGE MANOR PL STE D
FT MYERS, FL 33907

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.12 CFS

Right Nos. 78-12354 and 78-12358 are limited to a total combined
diversion rate of .48 cfs.

PRIORITY DATE: 04/01/1927

POINT OF DIVERSION: T19N R01E S12 SWNW Within Adams County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.12 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T19N R01E S12	NWNW 5.7
	5.9 Acres Total	SWNW 0.2

Right Nos. 78-12354 and 78-12358 are limited to the irrigation of
a combined total of 19.8 acres 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

RECOMMENDATION APR 22 2009 <i>Les B. Booth</i> SPECIAL MASTER

RECEIVED

APR 23 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District 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.

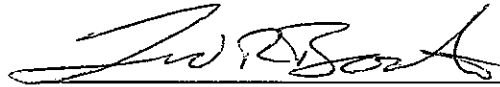
On May 9, 2007, the McNeal Family Limited Partnership, through its attorney Charles L. Honsinger, filed an objection to the *Director's Report* for water right 78-04282. Water right 78-02019 was identified by IDWR as an uncontested claim that may be affected by the outcome of contested claim 78-04282. 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

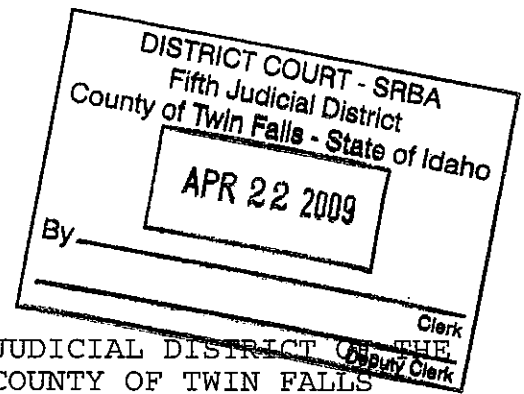
Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 78-02019A, 78-02019B, 78-04282A, 78-04282B, 78-12354, 78-12355, 78-12356, 78-12357, 78-

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

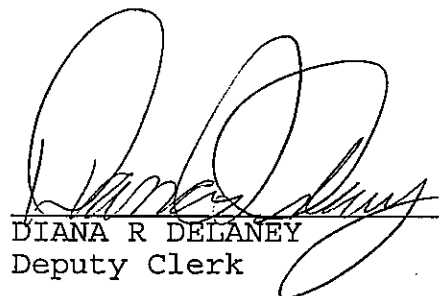
Water Right(s): 78-02019A
78-02019B 78-04282A 78-04282B
78-12354 78-12355 78-12356
78-12357 78-12358 78-12359

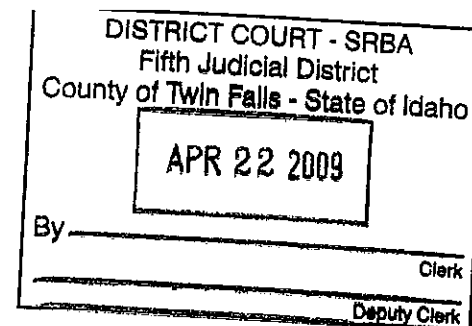
On April 22, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
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

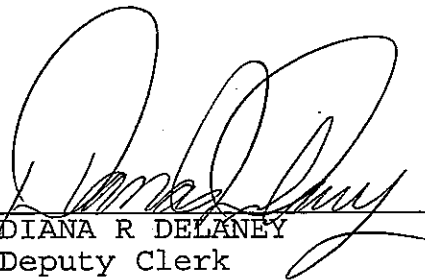
CERTIFICATE OF MAILING

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