



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

APR 28 2009

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 37-04410

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

NAME AND ADDRESS: DANIEL T HENRY  
308 N 2ND AVE  
HAILEY, ID 83333

SOURCE: SPRINGS TRIBUTARY: DEER CREEK

QUANTITY: 2.00 CFS

The quantity of water under this right for domestic and  
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/31/1881

POINT OF DIVERSION: T03N R17E S29 SWSW Within Blaine County

Point of diversion resides within Mineral Survey 2501.

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Stockwater     | 05-01 TO 11-30 | 0.02 CFS |
| Mining         | 05-01 TO 11-30 | 2.00 CFS |
| Domestic       | 05-01 TO 11-30 | 0.04 CFS |

PLACE OF USE:

|               |      |                      |
|---------------|------|----------------------|
| Stockwater    |      | Within Blaine County |
| T03N R17E S29 | SWSW |                      |
| Mining        |      | Within Blaine County |
| T03N R17E S29 | SWSW |                      |
| S30           | NENW | NESE                 |
| Domestic      |      | Within Blaine County |
| T03N R17E S29 | SWSW |                      |

Place of use is limited to Mineral Surveys 661 and 2501.

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

The quantity of water decreed for this water right for domestic  
use and stockwater use is not a determination of historical  
beneficial use.

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).

RECOMMENDATION

APR 28 2009

*Elizabeth Silvey*

SPECIAL AGENT

RECEIVED

APR 29 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| APR 28 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>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): 37-04410

On April 28, 2009, Special Master BRIGETTE BILYEU 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 28, 2009.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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APR 29 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| APR 28 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>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) : 37-04410

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 28, 2009, with sufficient first-class postage prepaid to the following:

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

DANIEL T HENRY  
308 N 2ND AVE  
HAILEY, ID 83333

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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04/28/09