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MAY 01 2009

DEPARTMENT OF  
WATER RESOURCES

SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho  
APR 30 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 67-04166

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 December 23, 2008, IDWR filed an *Amended Director's Report* for this water right claim. On February 19, 2009, the claimant of the water right, Russell L. Chastain, filed an objection to the *Amended Director's Report*. A hearing was held on April 28, 2009, at which Mr. Chastain withdrew his objection on the record. Consequently there are no unresolved objections to this water right claim.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 67-04166 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 30, 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 )  
\_\_\_\_\_ )

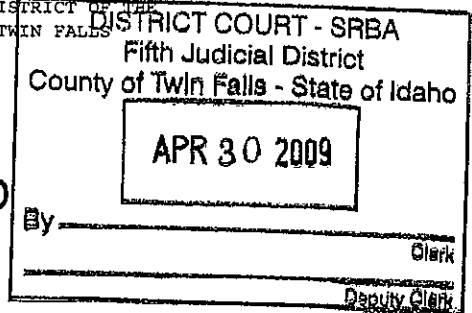
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 67-04166

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DEPARTMENT OF  
WATER RESOURCES



NAME AND ADDRESS: RUSSELL L CHASTAIN  
PO BOX 870  
COUNCIL, ID 83612

VIVIAN SILVA  
1496 SHAW LN  
COUNCIL, ID 83612

SOURCE: MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 03/15/1942

POINT OF DIVERSION: T15N R01W S10 NWNW Within Adams County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 10-31 | 0.10 CFS |

PLACE OF USE: Irrigation Within Adams County  
T15N R01W S09 NENE 1.0  
S10 NWNW 2.7  
3.7 Acres Total

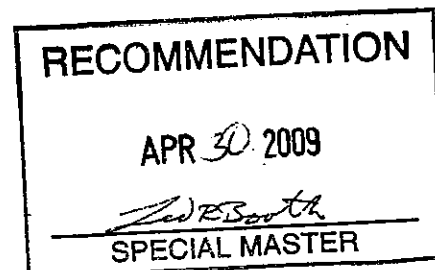
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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  
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



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WATER RESOURCES

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| APR 30 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

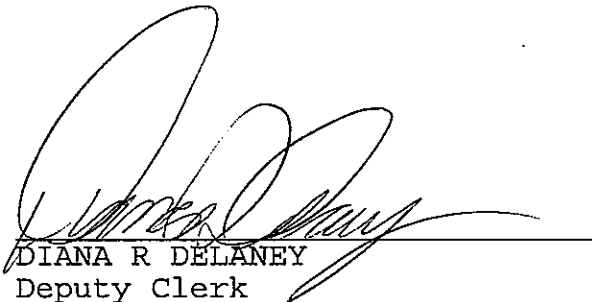
Water Right(s): 67-04166

On April 30, 2009, Special Master THEODORE R. BOOTH  
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)  
pursuant to SRBA Administrative Order 1 (A01), 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.

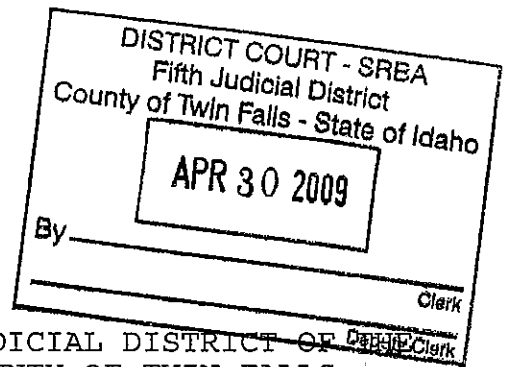
DATED April 30, 2009.

  
DIANA R DELANEY  
Deputy Clerk

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DEPARTMENT OF  
WATER RESOURCES



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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 67-04166

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 30, 2009, with sufficient first-class postage prepaid to the following:

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

RUSSELL L CHASTAIN  
PO BOX 870  
COUNCIL, ID 83612  
Phone: 208-253-0030

VIVIAN SILVA  
1496 SHAW LN  
COUNCIL, ID 83612

RUSSELL L CHASTAIN  
1496 SHAW LN  
PO BOX 870  
COUNCIL, ID 83612  
Phone: 208-253-0030

CERTIFICATE OF MAILING

A handwritten signature in cursive script, appearing to read "Diana R Delaney".

DIANA R DELANEY  
Deputy Clerk

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04/29/09