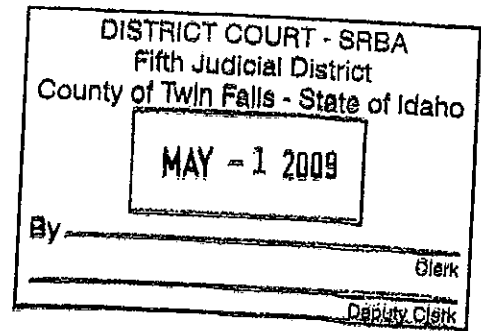


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MAY 04 2009

DEPARTMENT OF
WATER RESOURCES



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) Subcases 47-4160 and 47-12188
Case No. 39576) (Pettersen)
)
) SPECIAL MASTER REPORT AND
) RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 12, IDWR Basin 47* on February 2, 2007. The Director recommended claim 47-4160 filed by Purity Water Service Company be disallowed: "No lawful appropriation shown." The Director also recommended claim 47-12188 filed by Barbara and James Epperson be disallowed for the same reason.

IDWR filed a *Notice of Completed Administrative Proceeding* in the two subcases on April 4, 2008, for a substitution of party with new claimants in both subcases, Neil and Theresa Larsen. The Larsens were granted leave to file late objections on May 28, 2008, objecting to the claims being recommended disallowed.

IDWR filed a second *NCAP* in the two subcases on June 25, 2008, for a substitution of party with the new claimant Jed Petterson, P.O. Box 412, Kimberley, Idaho, 83341. On April 30, 2009, Mr. Petterson, with IDWR's concurrence, filed a *Standard Form 5* in subcase 47-4160 agreeing to .09 cfs from groundwater for year-'round commercial use in Twin Falls County with a priority date of December 31, 1949. The same date, Mr. Petterson filed a second *SF-5* agreeing to disallow 47-12188.

Conclusions of Law

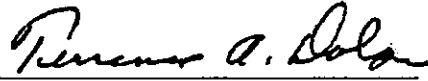
1. Mr. Petterson is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-4160*; and

2. Mr. Petterson is **not** entitled to a partial decree for claim 47-12188.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 47-12188 be **disallowed**.

DATED May 1, 2009.



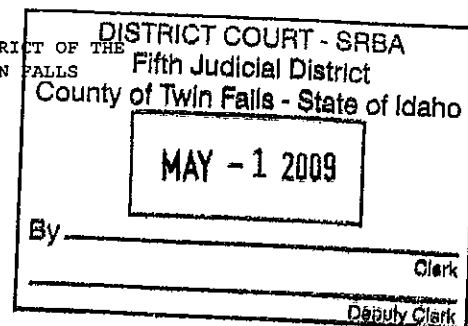
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 47-04160



NAME AND ADDRESS: JED PETTERSON
PO BOX 412
KIMBERLY, ID 83341

SOURCE: GROUND WATER

QUANTITY: 0.09 CFS
9.40 AFY

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION: T11S R18E S36 NWNWNW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.09 CFS
			9.40 AFY

PLACE OF USE: Commercial Within Twin Falls County
T11S R18E S36 NWNW

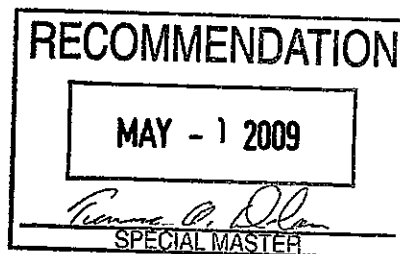
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

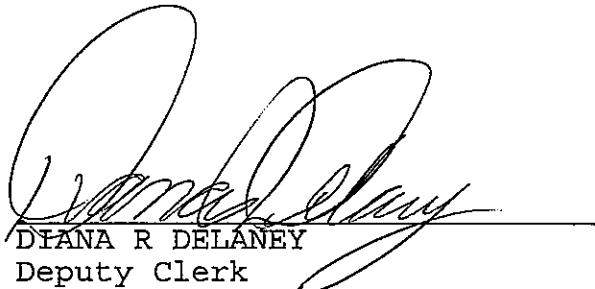
Water Right(s): 47-04160
47-12188

On May 01, 2009, Special Master TERRENCE A. DOLAN 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 May 01, 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): 47-04160
47-12188

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 May 01, 2009, with sufficient first-class postage prepaid to the following:

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

NEIL H LARSEN
PO BOX 11
HANSEN, ID 83334
Phone: 208-320-3200

JED PETTERSEN
JED PETTERSON
PO BOX 412
KIMBERLY, ID 83341



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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05/01/09