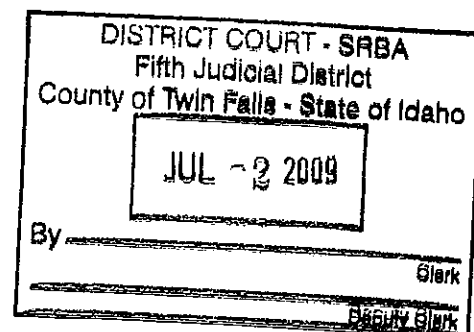


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JUL - 6 2009

Department of Water Resources
Adjudication Bureau



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) Subcases 02-103 (Bryant, Wootan &
) Black Mesa Farms LLC), 02-10189
) (Smith) and 02-10209 (McDonough)
)
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006:

02-10189 – The Director recommended claim 02-10189 to Robert and Connie Smith, 94 Walkey Road, Burbank, Washington, 99323, for 2.83 cfs from the Snake River to irrigate 141.5 acres in Elmore County from April 1 to October 31 with a priority date of February 25, 1963, based on a license.

02-10209 – The Director recommended claim 02-10209 to Mark A. McDonough, P.O. Box 74, Melba, Idaho, 83641, for .22 cfs from the Snake River to irrigate 11 acres in Canyon County from April 1 to October 31 with a priority date of February 25, 1963, based on a license.

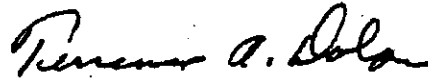
02-103 – The Director identified claim 02-103 as an uncontested overlapping claim recommended to Christine and Wesley Wootan, P.O. Box 636, Glenns Ferry, Idaho, 83623, Don and Brenda Bryant, P.O. Box 215, Glenns Ferry, Idaho, 83623, and Black Mesa Farms LLC, P.O. Box 82, Glenns Ferry, Idaho, 83623, for 8.54 cfs from the Snake River to irrigate 428 acres within a 3,948 acre place of use in Elmore County with a priority date of June 11, 1965, based on beneficial use.

The Smiths and Mr. McDonough filed *Objections* on December 5, 2007, objecting to quantity. On June 8 and February 12, 2009, the claimants, with IDWR's concurrence, filed *Standard Forms 5* agreeing to delete the quantity remarks.

Conclusions of Law

The claimants are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-103 (Bryant, Wootan & Black Mesa Farms LLC), 02-10189 (Smith) and 02-10209 (McDonough)*.

DATED July 2, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA)
)
Case No. 39576)
)

Water Right 02-00103

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 39.0	NESE 39.0
	NWSE 30.0	
S24	NENE 40.0	NWNE 39.0
	SWNE 40.0	SENE 40.0
	NESE 40.0	NWSE 40.0
R11E S06 LOT 7	(SWSW) 10.0	
S07	NENE 25.0	NWNE 25.0
	SWNE 40.0	SENE 40.0
	NENW 30.0	LOT 1 (NWNW) 37.0
LOT 2	(SWNW) 37.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 38.0
LOT 4	(SWSW) 37.0	SESW 39.0
	NESE 40.0	NWSE 40.0
	SWSE 39.0	SESE 40.0
S17	NWNW 40.0	SWNW 40.0
	NWSW 40.0	
S18	NENE 38.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 39.0	LOT 1 (NWNW) 37.0
LOT 2	(SWNW) 38.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 38.0
LOT 4	(SWSW) 38.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	
S19 LOT 1	(NWNW) 39.0	LOT 2 (SWNW) 39.0
LOT 3	(NWSW) 39.0	
3948.0 Acres Total		

This right is limited to the irrigation of 428 acres within the place of use described above in a single irrigation season.

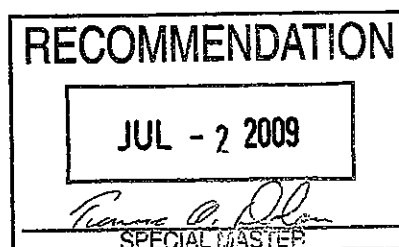
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

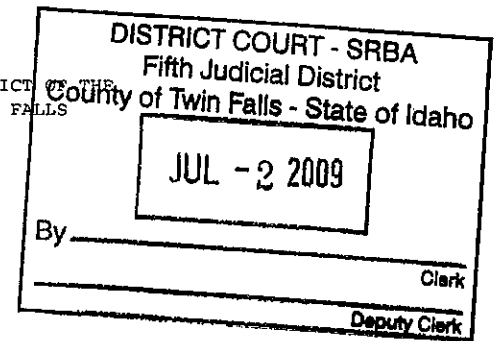
RULE 54(b) CERTIFICATE

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



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10189

NAME AND ADDRESS: CONNIE SMITH
ROBERT SMITH
94 WALKLEY RD
BURBANK, WA 99323

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.83 CFS
473.60 AFY

PRIORITY DATE: 02/25/1963

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.83 CFS 473.60 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:	Irrigation	Within Elmore County
	T06S R10E S12	NENE 40.0 NWNE 40.0 SENE 21.5
	141.5 Acres Total	

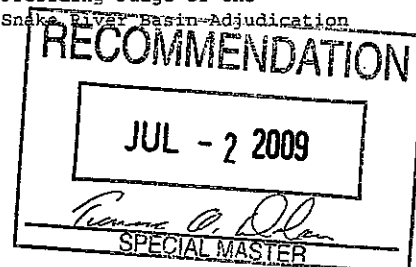
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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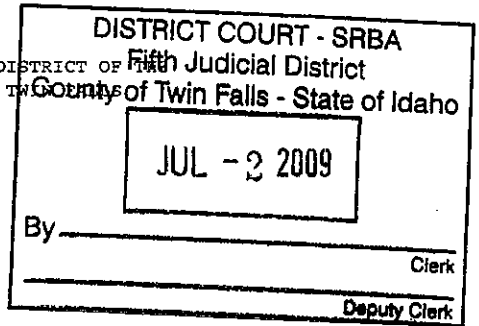
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John M. Melanson
Presiding Judge of the
Snake River Basin-Adjudication



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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10209

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.22 CFS
36.80 AFY

The total instantaneous diversion of water from all points of
diversion under Right 2-10209 shall not exceed 0.22 cfs, nor
total combined annual volume of 36.8 af.

PRIORITY DATE: 02/25/1963

POINT OF DIVERSION: T01N R02W S31 LOT 4 (SESWSW) Within Canyon County
T01S R02W S06 LOT 2 (NWSE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.22 CFS 36.80 AFY

The period of use for the irrigation described in this approval
may be extended to a beginning date of 3/1 and an ending date of
11/15 provided that beneficial use of the water can be shown and
other elements of the right are not exceeded. The use of water
before 4/1 and after 10/31 is subordinate to all water rights
having no subordinated early or late irrigation use and a
priority date earlier than the date of the originating approval.

PLACE OF USE: Irrigation Within Canyon County
T01N R02W S31 LOT 5 (SESW) 5.0
T01S R02W S05 LOT 4 (NWNW) 2.0
S06 LOT 4 (NENE) 4.0
11.0 Acres Total

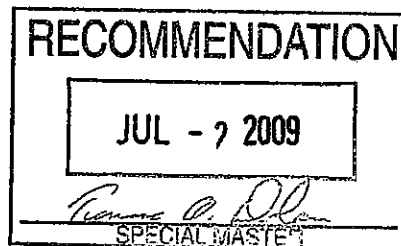
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

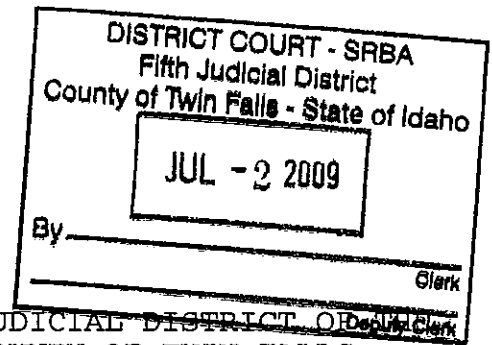
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

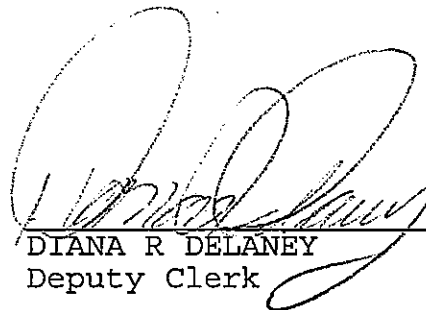
Water Right(s): 02-00103
02-10189 02-10209

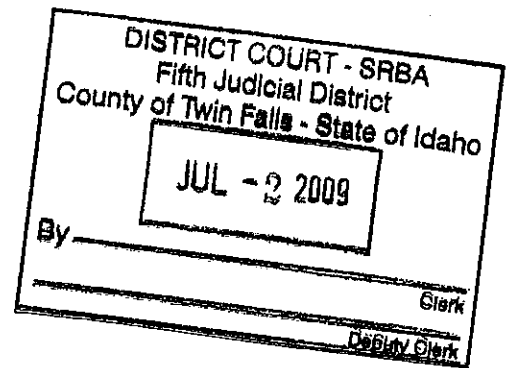
On July 02, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 July 02, 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): 02-00103
02-10189 02-10209

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 July 02, 2009, with sufficient first-class postage prepaid to the following:

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

MARK A MC DONOUGH
Represented by:
CARL J WITHROE
950 W BANNOCK ST STE 520
BOISE, ID 83702
Phone: 208-331-1800

ROBERT & CONNIE SMITH
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

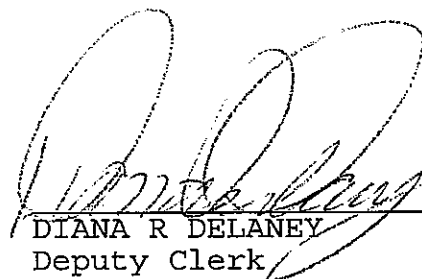
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07/02/09

BRENDA BRYANT
DON J BRYANT
PO BOX 215
GLENN'S FERRY, ID 83623
Phone: 208-366-7433

CHRISTINE W WOOTAN
WESLEY R WOOTAN
PO BOX 636
GLENN'S FERRY, ID 83623
Phone: 208-366-2575

BLACK MESA FARMS LLC
PO BOX 82
GLENN'S FERRY, ID 83623
Phone: 208-366-7406

CONNIE SMITH
ROBERT SMITH
94 WALKLEY RD
BURBANK, WA 99323
Phone: 509-545-8364



DIANA R DELANEY
Deputy Clerk