

2009 JUL 8 AM 11 35

IDWR reported that this language should be deleted because IDWR does have information about historic beneficial use for this right. The Court set a deadline of March 27, 2009 for any party to the subcase to file an Objection to removal of the language from the *Partial Decree. Order Setting Deadline and Status Conference*. (February 6, 2009)

No objections were filed, and the time for filing such objections has now expired. Therefore, it is appropriate that the SRBA District Court set aside the *Partial Decree* and enter an *Amended Partial Decree* which merely deletes the above referenced language.

### III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Partial Decree* be set aside and that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*.

Dated: July 8, 2009.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED  
2009 JUL 8 AM 11 35

In Re SRBA )  
Case No. 39576 )

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

Water Right 27-12062

NAME AND ADDRESS: ANGELO TRAYIS JR  
9103 W POCATELLO CREEK RD  
POCATELLO, ID 83201

SOURCE: UNNAMED STREAM TRIBUTARY: SOUTH FORK ROSS FORK

QUANTITY: 0.02 CFS  
1.79 APY

The quantity of water under this right shall not exceed 13,000  
gallons per day.

PRIORITY DATE: 05/29/1916

POINT OF DIVERSION: T05S R35E S25 NESENE (Instream Ending Point) Within Bannock County  
SWNWSE (Instream Beginning Point)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|----------------------------|----------------|----------------|----------------------|
|                            | Stockwater     | 05-01 TO 10-31 | 0.02 CFS<br>1.79 APY |

|               |               |                       |
|---------------|---------------|-----------------------|
| PLACE OF USE: | Stockwater    | Within Bannock County |
|               | T05S R35E S25 | SENE<br>NWSE          |
|               |               | NESE                  |

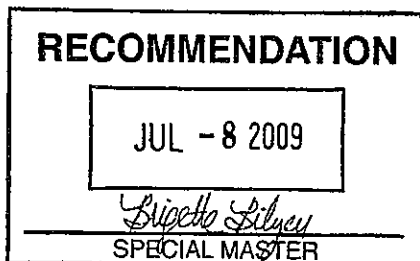
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 Right(s) : 27-12062

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 JUL 8 AM 11 34

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) : 27-12062

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 08, 2009, with sufficient first-class postage prepaid to the following:

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

SHOSHONE-BANNOCK TRIBES

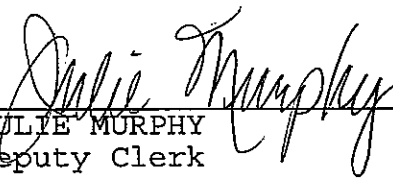
Represented by:  
JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
202 N ARTHUR  
POCATELLO, ID 83202  
Phone: 208-232-1922

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

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ANGELO TRAYIS JR  
9103 W POCATELLO CREEK RD  
POCATELLO, ID 83201  
Phone: 208-232-6245

  
\_\_\_\_\_  
JULIE MURPHY  
Deputy Clerk