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JUL 23 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 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

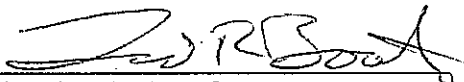
) ORDER DISMISSING OBJECTIONS
) PURSUANT TO I.R.C.P. 41(b)
)
) ORDER VACATING TRIAL
)
) SPECIAL MASTER'S REPORT
)
) FOR WATER RIGHTS 63-02733B
) and 63-31123

Notices of claim were filed for the above-captioned water rights 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* contained a recommendation or abstract for the elements of these water rights.

On June 19, 2007, the claimant of water right 63-02733B, Southside, Inc., through its attorney John M. Marshall, filed objections to the *Director's Report* for both water rights, asserting ownership of water right 63-31123, which was recommended in the *Director's Report* under the name Kim F. Ashworth. A pretrial conference was held on July 14, 2009, at which the objector, Southside, Inc., failed to appear either in person or through counsel. Based upon this failure to appear, and pursuant to I.R.C.P. 41(b), the objections previously filed by Southside, Inc., are hereby **dismissed**, and the trial is **vacated**. There are now no unresolved objections and these two water rights may be decreed with the elements as recommended in the *Director's Report*.

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-02733B and 63-31123 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated July 22 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 63-02733B

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho JUL 22 2009 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: SOUTHSIDE INC
420 SHERRY
NAMPA, ID 83686

SOURCE: GROUND WATER

QUANTITY: 0.16 CFS
36.00 AFY

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

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION: T02N R02W S17 SESWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.16 CFS
			36.00 AFY
	Domestic	01-01 TO 12-31	0.04 CFS
	Domestic use is for 1 home.		

PLACE OF USE:	Irrigation	Within Canyon County
	T02N R02W S17	SWNW 8.0
	8.0 Acres Total	
	Domestic	Within Canyon County
	T02N R02W S17	SWNW

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

The quantity of water decreed for this water right for domestic
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).

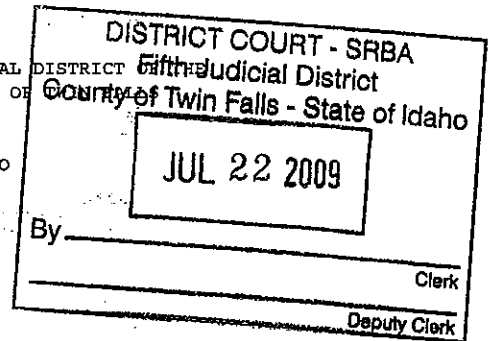
RULE 54(b) CERTIFICATE

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

RECOMMENDATION JUL 22 2009 _____ SPECIAL MASTER

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



In Re SRBA)
Case No. 39576)

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

Water Right 63-31123

NAME AND ADDRESS: KIM F ASHWORTH
10812 LAKESHORE DR
NAMPA, ID 83686

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
18.00 AFY

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

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION: T02N R02W S17 SESWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.08 CFS
			18.00 AFY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T02N R02W S17	SWNW 4.0
	4.0 Acres Total	
	Domestic	Within Canyon County
	T02N R02W S17	SWNW

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

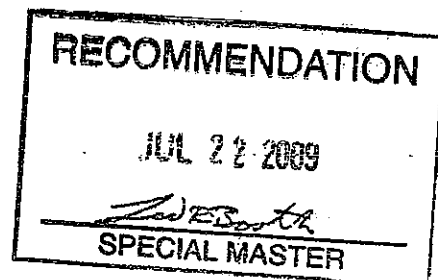
The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

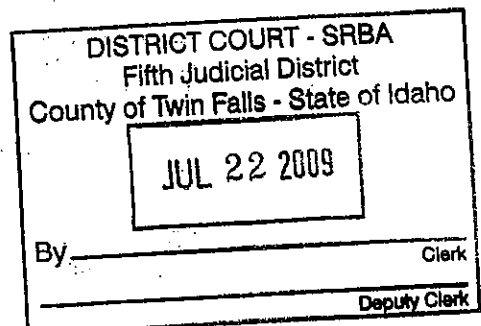
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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judgment upon 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

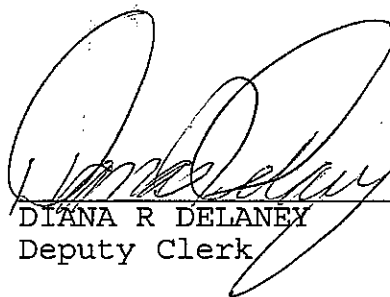
Water Right(s): 63-02733B
63-31123

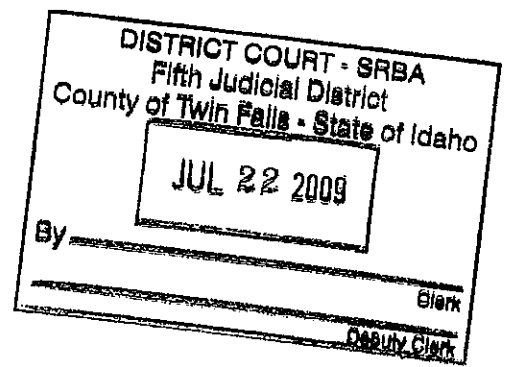
On July 22, 2009, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 22, 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) : 63-02733B
63-31123

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 22, 2009, with sufficient first-class postage prepaid to the following:

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

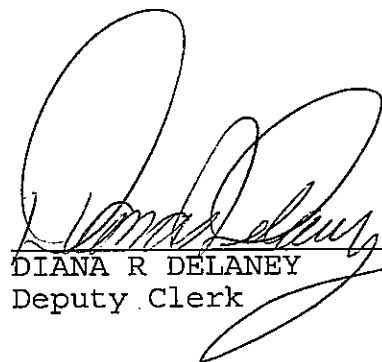
SOUTHSIDE INC
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

KIM F ASHWORTH
10812 LAKESHORE DR
NAMPA, ID 83686
Phone: 208-468-0168

CERTIFICATE OF MAILING

PAGE 1
07/21/09

SOUTHSIDE INC
420 SHERRY
NAMPA, ID 83686
Phone: 208-573-5511



DIANA R DELANEY
Deputy Clerk