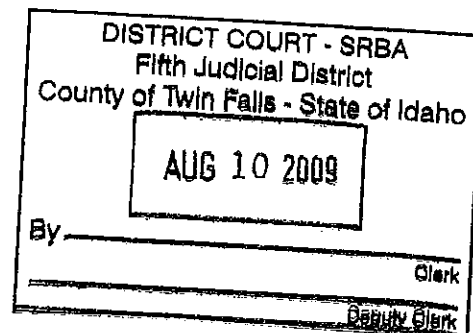


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AUG 11 2009

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

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION RE: MOTION
) TO SET ASIDE PARTIAL DECREES
)
) FOR WATER RIGHTS 67-15010
) and 67-15011 (Split from 67-04584)

I. FINDINGS OF FACT

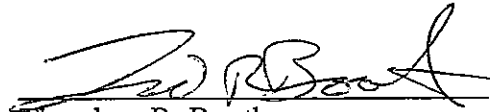
A *Partial Decree* was issued for water right 67-04584 on November 17, 2008. On January 5, 2009, the claimants of the right, Debra and Terrence Andrade, filed a *Motion to Set Aside Partial Decrees*. A hearing on the *Motion* was held on February 3, 2009. Based upon the comments of the participants at the hearing, and upon the matters set forth in the attachments to the motion, this Special Master finds that the claimant has satisfied the criteria set forth in I.R.C.P. 60(b), and that the SRBA District Court should set aside the previously issued *Partial Decree* and issue amended partial decrees as recommended herein. In anticipation of the issuance of amended partial decrees, *Amended Director's Reports* were filed by IDWR on April 30, 2009. The *Amended Director's Reports* split water right 67-04584 into water rights 67-15010 and 67-15011. Notice of the issuance of the *Amended Director's Reports* was published on the Court's docket sheet in May, 2009, with an objection period ending May 29, 2009. No objections were filed to the *Amended Director's Reports*, and the time for objecting has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court issue partial decrees for water rights 67-15010 and 67-15011 with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS

FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right number 67-04584.

Dated August 10, 2009

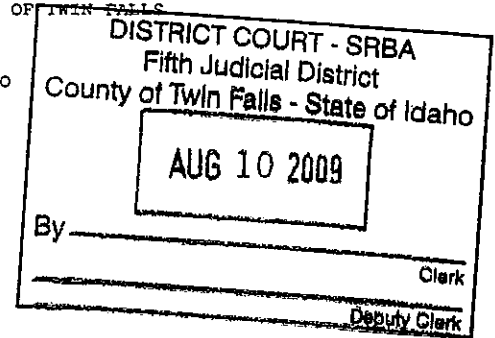


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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 67-15010



NAME AND ADDRESS: DEBRA L ANDRADE
TERRENCE W ANDRADE
2150 OLD HORNET CREEK RD
COUNCIL, ID 83612

SOURCE: POLE CREEK TRIBUTARY: HORNET CREEK

QUANTITY: 2.50 CFS

PRIORITY DATE: 03/15/1948

POINT OF DIVERSION: T17N R02W S35 LOT 3 (NENESE) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	03-15 TO 11-15	0.10 CFS
	Irrigation	03-15 TO 11-15	2.40 CFS

PLACE OF USE: Irrigation Within Adams County
T16N R01W S05 SWNW 38.0
S06 LOT 1 (NENE) 23.0 LOT 2 (NWNE) 4.5
SENE 14.0
79.5 Acres Total

Stockwater Within Adams County
T16N R01W S05 SWNW
S06 LOT 1 (NENE) NWNE
SWNE SENE

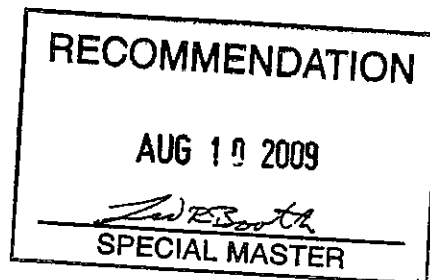
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

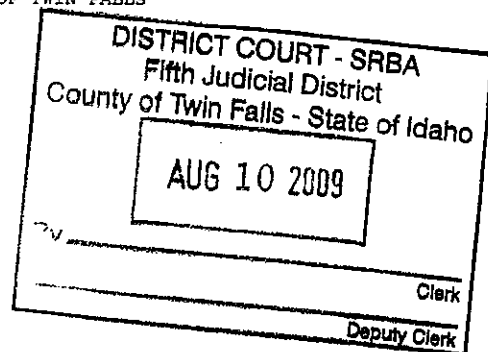
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 67-15011



NAME AND ADDRESS: CLYDEA N HASTIE
JAMES W HASTIE
PO BOX 444
COUNCIL, ID 83612

SOURCE: POLE CREEK TRIBUTARY: HORNET CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/01/1914

POINT OF DIVERSION: T17N R02W S35 LOT 3 (NENESE) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	03-15 TO 11-15	0.02 CFS

PLACE OF USE:	Stockwater	Within Adams County
	T16N R01W S05	NESW SWSW
		NWSW SESW

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

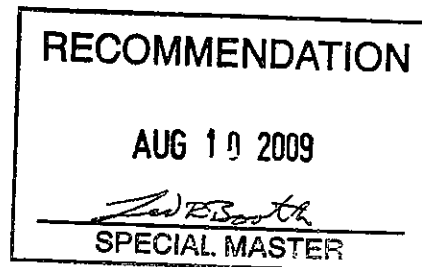
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 10 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

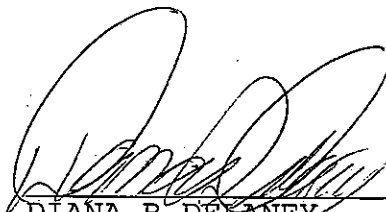
Water Right(s): 67-15010
67-15011

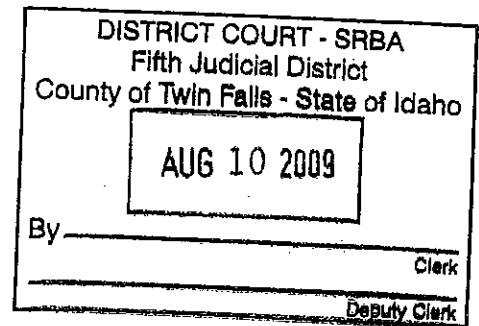
On August 10, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 August 10, 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): 67-15010
67-15011

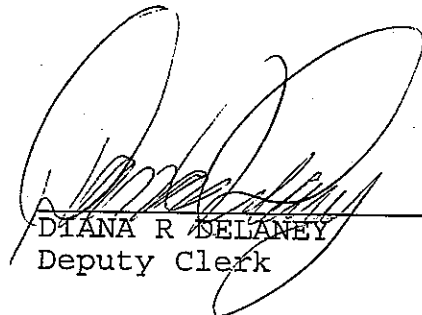
CERTIFICATE OF MAILING

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 August 10, 2009, with sufficient first-class postage prepaid to the following:

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

CLYDEA N HASTIE
JAMES W HASTIE
PO BOX 444
COUNCIL, ID 83612

DEBRA L ANDRADE
TERRENCE W ANDRADE
2150 OLD HORNET CREEK RD
COUNCIL, ID 83612


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/10/09