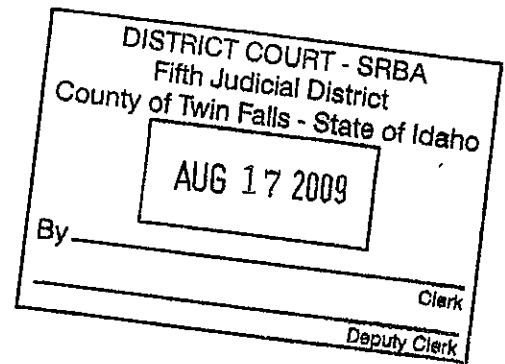


RECEIVED
AUG 18 2009
DEPARTMENT OF
WATER RESOURCES



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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 47-07214
) and 47-07488

I. FINDINGS OF FACT

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 September 17, 2007, the Twin Falls Canal Company, through its attorney Paul L. Arrington, filed objections to the *Director's Report*, asserting that a remark should be added clarifying that the source is wastewater. On August 4, 2009, the Twin Falls Canal Company withdrew its objections. Therefore there are no unresolved issues and these water rights may be decreed as recommended in the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 47-07214 and 47-07488 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Aug 17, 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 47-07214

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 2009	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: JUDITH K RAY
LEO E RAY
4647D RIVER RD
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 9.00 CFS

PRIORITY DATE: 08/16/1973

POINT OF DIVERSION: T09S R14E S04 NESWSW Within Twin Falls County
LOT 8 (NWSESW)
LOT 8 (SESESW)
LOT 17 (SWSWSE)
LOT 17 (SESWSE)
S09 LOT 1 (SWNENE)
SENWNE
NWNENW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fish Propagation	01-01 TO 12-31	9.00 CFS
Heating	01-01 TO 12-31	0.02 CFS
		14.40 AFY
Recreation	01-01 TO 12-31	0.01 CFS
		7.20 AFY

Heating use is for the office, hatchery buildings, and domestic units.

Recreation use is for a swimming pool.

PLACE OF USE:

Fish Propagation	Within Twin Falls County
T09S R14E S04 LOT 8 (SES)	LOT 17 (SWSE)
LOT 8 (SWSE)	LOT 8 (SESE)
S09 LOT 1 (NENE)	NWNE
NENW	
Heating	Within Twin Falls County
T09S R14E S04 LOT 8 (SES)	LOT 8 (SWSE)
LOT 17 (SWSE)	
S09 NWNE	
Recreation	Within Twin Falls County
T09S R14E S04 LOT 17 (SWSE)	

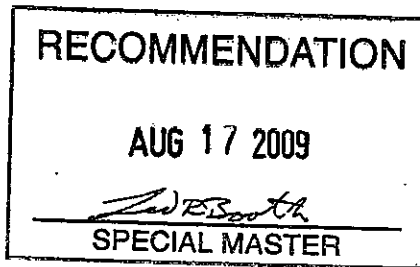
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-07488

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 17 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: JUDITH K RAY
LEO E RAY
4647D RIVER RD
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 5.48 CFS

PRIORITY DATE: 09/05/1978

POINT OF DIVERSION: T09S R14E S04 NESWSW Within Twin Falls County
LOT 8 (NWSESW)
LOT 8 (SESESW)
LOT 17 (SESWSE)
LOT 17 (SWSWSE)
S09 LOT 1 (SWNENE)
SENWNE
NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS
			4.00 AFY
	Fish Propagation	01-01 TO 12-31	5.48 CFS
	Domestic	01-01 TO 12-31	0.01 CFS
			0.60 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. Domestic use is for 1 home.

PLACE OF USE: Irrigation Within Twin Falls County
T09S R14E S04 LOT 8 (SESW) 2.0
2.0 Acres Total

Fish Propagation Within Twin Falls County
T09S R14E S04 LOT 8 (SESW) LOT 17 (SWSE)
LOT 8 (SESE)
S09 LOT 1 (NENE) NWNE
NENW

Domestic Within Twin Falls County
T09S R14E S04 LOT 17 (SWSE)

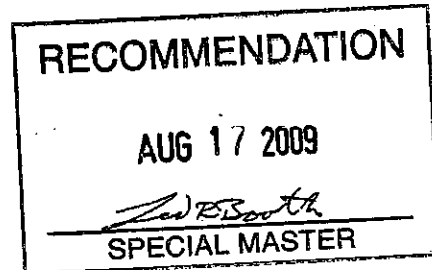
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

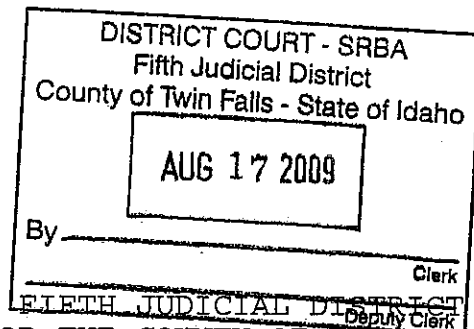
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

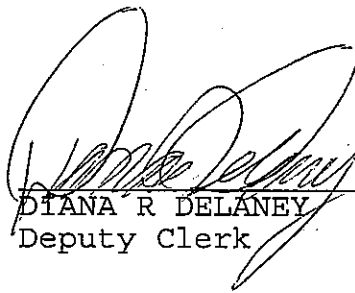
Water Right(s): 47-07214
47-07488

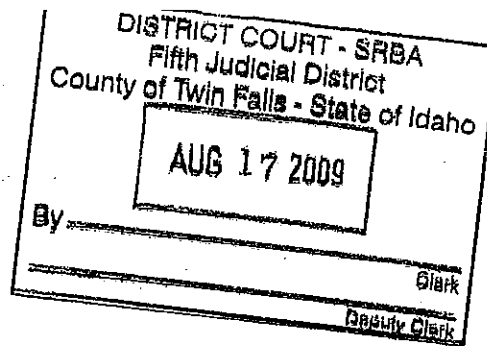
On August 17, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 17, 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): 47-07214
47-07488

CERTIFICATE OF MAILING

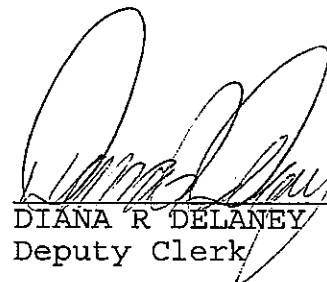
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 17, 2009, with sufficient first-class postage prepaid to the following:

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

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

JUDITH K RAY
LEO E RAY
4647D RIVER RD
BUHL, ID 83316
Phone: 208-543-6407

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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08/17/09