

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 31 2009
By _____ Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12044

NAME AND ADDRESS: GEORGE MILLER
PHILIP R MILLER
50 P MILLER RD
MAY, ID 83253

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 5.20 CFS

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION: T14N R23E S27 NENENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	5.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T14N R23E S26	NWSW 15.0	SWSW 39.0
	SESW 37.0	
S34	SENE 37.0	NESE 36.0
	NWSE 38.0	SWSE 38.0
S35	NWNE 12.0	SWNE 6.9
	NENW 40.0	NWNW 39.0
	SWNW 40.0	SENE 40.0
	NESW 31.0	NWSW 38.0
486.9 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044. Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres 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

Third Judicial District of Idaho

RECOMMENDATION

AUG 31 2009

Thomas A. Olson
SPECIAL MASTER

RECEIVED
SEP 01 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 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) Subcases 73-171, 73-214, 73-216, 73-2152,
Case No. 39576) 73-4092, 73-10086 and 73-12044
) (Miller)
)
) SPECIAL MASTER REPORT

Findings of Fact

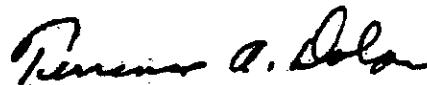
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claim 73-12044, filed by George and Phillip Miller, 50 P Miller Road, May, Idaho, 83253, for 5.2 cfs from Patterson Creek to irrigate 486.9 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1960, based on beneficial use.

George Miller filed an *Objection* in subcase 73-12044 on July 30, 2007, objecting to name and address and priority date. IDWR identified claims 73-171, 73-214, 73-216, 73-2152, 73-4092 and 73-10086 as uncontested overlapping subcases. On August 11, 2009, the Millers, with IDWR's concurrence, filed a *Standard Form 5* in subcase 73-12044 agreeing to a priority date of April 1, 1940.

Conclusions of Law

The Millers are entitled to partial decrees adjudicating water rights as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086 and 73-12044*.

DATED August 31, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 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): 73-00171

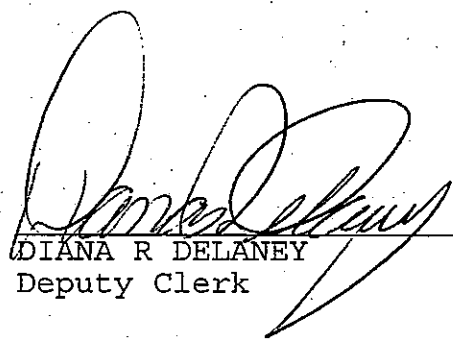
73-00214 73-00216 73-02152
73-04092 73-10086 73-12044

On August 31, 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 August 31, 2009.


DIANA R DELANEY
Deputy Clerk

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AUG 31 2009
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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

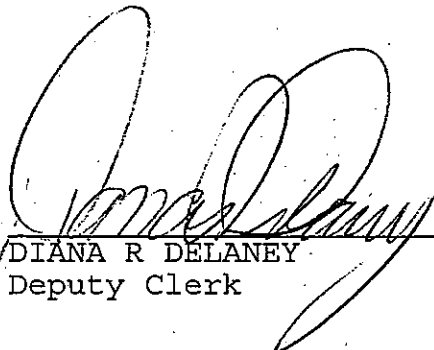
Water Right(s): 73-00171
73-00214 73-00216 73-02152
73-04092 73-10086 73-12044

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 31, 2009, with sufficient first-class postage prepaid to the following:

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

GEORGE MILLER
PHILIP R MILLER
50 P MILLER RD
MAY, ID 83253
Phone: 208-876-4228



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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08/31/09