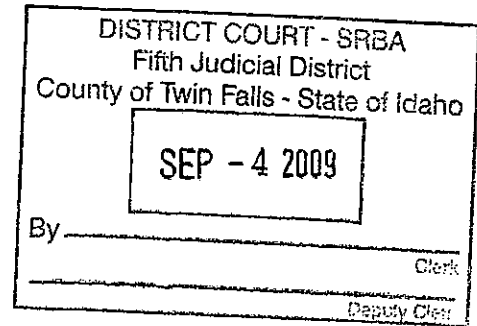


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SEP 08 2009
DEPARTMENT OF
WATER RESOURCES



**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) Subcases 73-12032 (Elzinga) and 73-12165
Case No. 39576) (USDI/BLM)
_____) **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 73-12032 to The Nature Conservancy for 1.25 cfs from Peterson Springs to irrigate 56.2 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1961, based on beneficial use.

On December 14, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* in subcases 73-98, 73-99, 73-100, 73-2157, 73-12030, 73-12032 and 73-12107 for a substitution of party with the new claimants as Glen and Caryl Elzinga, 19 Moen Lane, May, Idaho, 83253-2000.

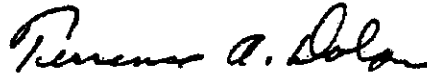
On December 18, 2007, the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, filed an *Objection* in subcase 73-12032 objecting to place of use.

The Elzingas and the United States filed a *Stipulation to Resolve Objections* in subcases 73-98, 73-2157 and 73-12032 on August 12, 2009, agreeing to "splits" of the claims and transfers. The same date, the parties, with IDWR's concurrence, filed *Standard Forms 5* with the Elzingas being owners of 73-12032 and the United States owning 73-12165.

Conclusions of Law

The Elzingas and the United States are entitled to partial decrees adjudicating water rights for claims 73-12032 (Elzinga) and 73-12165 (USDI/BLM) as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-12032 and 73-12165*.

DATED September 4, 2009.



TERRENCE A. DOLAN
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 73-12032

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP - 4 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY, ID 83253-2000

SOURCE: PETERSON SPRINGS TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.12 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION: T15N R21E S26 NESWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.12 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R21E S16	SWSE 7.0
	S21	NENE 10.0
	S22	NWNW 7.7
		NWSW 0.4
	50.3 Acres Total	

Right Nos. 73-98 and 73-12032 are limited to the irrigation of a
combined total of 50.3 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
Snake River Basin Adjudication

RECOMMENDATION
SEP - 4 2009
<i>Thomas A. Olson</i>
SPECIAL MASTER

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 73-12165

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP - 4 2009	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: PETERSON SPRINGS TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.13 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION: T15N R21E S26 NESWN Within Lemhi County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.13 CFS

PLACE OF USE: Irrigation Within Lemhi County
T15N R21E S22 SENW 5.9
5.9 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 5.9 acres in a single irrigation season.
Combined Right Nos.: 73-12164 and 73-12165.

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

RECOMMENDATION
SEP - 4 2009
<i>Thomas A. Olson</i> SPECIAL MASTER

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP - 4 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

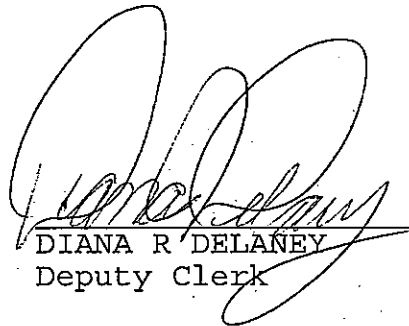
Water Right(s): 73-12032
73-12165

On September 04, 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 September 04, 2009.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP - 4 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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 73-12032
73-12165

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 September 04, 2009, with sufficient first-class postage prepaid to the following:

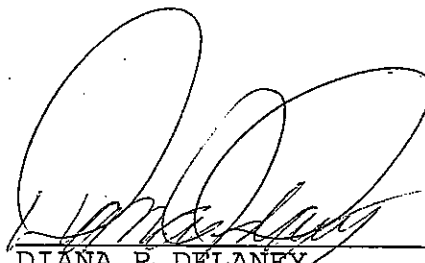
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY, ID 83253-2000

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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