

DEPARTMENT OF  
WATER RESOURCES

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

NOV 24 2009

By \_\_\_\_\_  
DISTRICT OF THE \_\_\_\_\_  
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

**SPECIAL MASTER'S REPORT AND  
RECOMMENDATION; FINDINGS OF  
FACT AND CONCLUSIONS OF LAW**

**FOR WATER RIGHTS: 22-00193A and 22-326G**

## I. FINDINGS OF FACT

Notices of claim were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Reports* contained recommendations for the elements of these water rights.

*Objections* were filed by Garry W. and Maedene Jardine. All *Objections* were resolved on October 31, 2008 with the filing of a *Standard Form 5* for each of the above-captioned rights. All parties to these subcases and IDWR are signatories to each *Standard Form 5*.

## II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: Nov. 24, 2009.

  
BRIGETTE BILYEU  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 22-00193A

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

NOV 24 2009

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: GARRY W JARDINE  
MAEDENE JARDINE  
358 N 800 W  
TETONIA, ID 83452

SOURCE: PACKSADDLE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 2.20 CFS

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION: T05N R44E S08 SWSWNE Within Teton County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 2.20 CFS |

| PLACE OF USE: | Irrigation        |           | Within Teton County |
|---------------|-------------------|-----------|---------------------|
|               | T05N R44E S04     | NESE 20.0 | NWSE 24.0           |
|               |                   | SWSE 22.0 |                     |
|               | S09               | NENE 40.0 | NWNE 40.0           |
|               |                   | SWNE 40.0 | SENE 37.0           |
|               |                   | NENW 37.0 | NWNW 10.0           |
|               |                   | SWNW 14.0 | SENE 40.0           |
|               | 324.0 Acres Total |           |                     |

The rights listed below are limited to the irrigation of a combined total of 295 acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G. This right is limited to the irrigation of 110 acres within the place of use described above 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.

RECOMMENDATION

NOV 24 2009

*Bricetto Silven*  
SPECIAL MASTER

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
  
Water Right 22-00326G

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| NOV 24 2009                                                                             |
| By _____ Clerk<br>Deputy Clerk                                                          |

NAME AND ADDRESS: GARRY W JARDINE  
MAEDENE JARDINE  
358 N 800 W  
TETONIA, ID 83452

SOURCE: PACKSADDLE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.80 CFS

PRIORITY DATE: 04/05/1889

POINT OF DIVERSION: T05N R44E S08 SWSWNE Within Teton County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 1.80 CFS |

| PLACE OF USE: | Irrigation        |           | Within Teton County |
|---------------|-------------------|-----------|---------------------|
|               | T05N R44E S04     | NESE 20.0 | NWSE 24.0           |
|               |                   | SWSE 22.0 |                     |
|               | S09               | NENE 40.0 | NWNE 40.0           |
|               |                   | SWNE 40.0 | SENE 37.0           |
|               |                   | NENW 37.0 | NWNW 10.0           |
|               |                   | SWNW 14.0 | SENE 40.0           |
|               | 324.0 Acres Total |           |                     |

The rights listed below are limited to the irrigation of a combined total of 295 acres in a single irrigation season. Combined Right Nos.: 22-193A, 22-325A, and 22-326G. This right is limited to the irrigation of 90 acres within the place of use described above 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.

|                                         |
|-----------------------------------------|
| RECOMMENDATION                          |
| NOV 24 2009                             |
| <i>Bigella Lilley</i><br>SPECIAL MASTER |

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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DEPARTMENT OF  
WATER RESOURCES

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

NOV 24 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

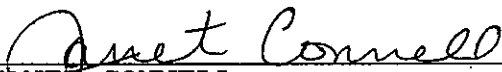
Water Right(s): 22-00193A  
22-00326G

On November 24, 2009, Special Master BRIGETTE BILYEU 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 November 24, 2009.

  
JANET CONNELL  
Deputy Clerk

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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| NOV 24 2009                                                                             |
| By _____ Clerk<br>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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s) : 22-00193A  
22-00326G

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 November 24, 2009, with sufficient first-class postage prepaid to the following:

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

GARRY & MAEDENE JARDINE  
GARRY W JARDINE  
MAEDENE JARDINE  
358 N 800 W  
TETONIA, ID 83452

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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11/24/09