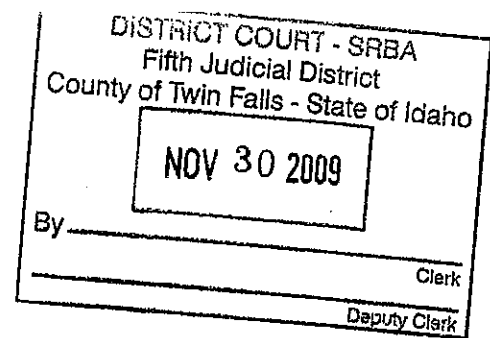


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DEC 02 2009

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  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHT 47-02048 and  
) 47-02118

I. FINDINGS OF FACT

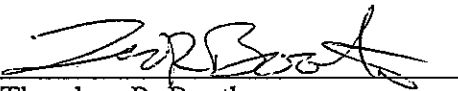
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On September 19, 2007, the United States of America, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report* for water right 47-02118, asserting that the point of diversion was not authorized to be located on BLM land. Water right claim 47-02048 was identified as an uncontested claim that may be affected by the outcome of a contested matter. On November 23, 2009, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 47-02048 and 47-02118 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Nov 30, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 47-02118

NAME AND ADDRESS: DOROTHY LENO  
THOMAS LENO  
4236 N 1900 E  
BUHL, ID 83316

SOURCE: MULE CREEK TRIBUTARY: SHOSHONE CREEK

QUANTITY: 0.40 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.  
Right Nos. 47-2118 and 47-2048 are limited to a total combined diversion rate of 0.40 cfs.  
This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 02/07/1925

POINT OF DIVERSION: T16S R16E S17 SESWSW Within Twin Falls County  
SESWSW (Injection)  
S20 NESWNW (Rediversion)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.40 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Twin Falls County  
T16S R16E S20 SESW 11.0  
S29 NENW 9.0  
20.0 Acres Total  
Stockwater Within Twin Falls County  
Same as Irrigation

Right Nos. 47-2118 and 47-2048 are limited to the irrigation of a combined total of 20 acres in a single irrigation season.

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

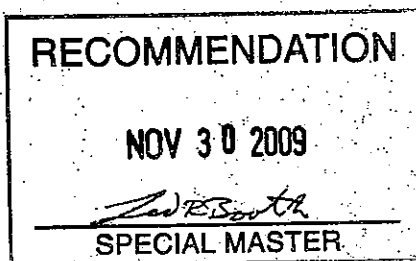
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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



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 47-02048

NAME AND ADDRESS: DOROTHY LENO  
THOMAS LENO  
4236 N 1900 E  
BUHL, ID 83316

SOURCE: MULE CREEK TRIBUTARY: SHOSHONE CREEK

QUANTITY: 0.40 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.  
Right Nos. 47-2118 and 47-2048 are limited to a total combined diversion rate of 0.40 cfs.  
This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 01/27/1910

POINT OF DIVERSION: T16S R16E S20 NESWN Within Twin Falls County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.40 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Twin Falls County  
T16S R16E S20 SESW 11.0  
S29 NENW 9.0  
20.0 Acres Total

Stockwater Within Twin Falls County  
Same as Irrigation

Right Nos. 47-2118 and 47-2048 are limited to the irrigation of a combined total of 20 acres in a single irrigation season.

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

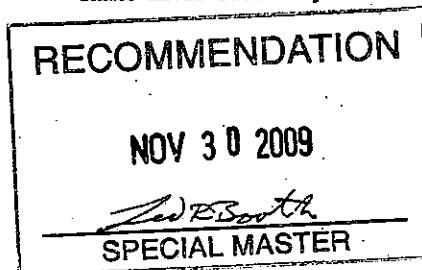
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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).

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



|                                                                                           |
|-------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| NOV 30 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 )

Case No. 39576 )  
\_\_\_\_\_)

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

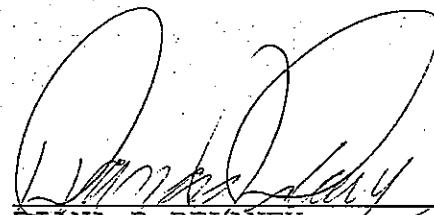
Water Right(s) : 47-02048  
47-02118

On November 30, 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 November 30, 2009.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| NOV 30 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) : 47-02048  
47-02118

CERTIFICATE OF MAILING

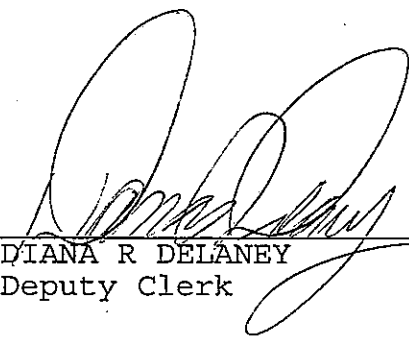
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 30, 2009, with sufficient first-class postage prepaid to the following:

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

DOROTHY LENO  
THOMAS LENO  
4236 N 1900 E  
BUHL, ID 83316  
Phone: 208-543-4633

CERTIFICATE OF MAILING

  
DIANA R DELANEY  
Deputy Clerk

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11/30/09