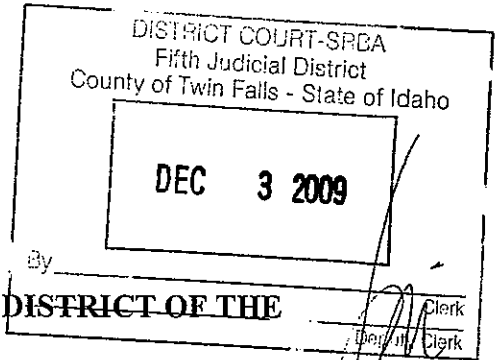


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DEC 07 2009

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

)
) Subcase 75-4042
) (Upper Gibbonsville Water Assoc.)
)
) AMENDED 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 75* on January 11, 2007. The Director recommended claim 75-4042 to the Upper Gibbonsville Water Association, c/o Ira D. Taylor, 82 Gibbonsville Road, Gibbonsville, Idaho, 83463, for .4 cfs from Dהלonega Creek for year-'round domestic use in Lemhi County with a priority date of October 9, 1901, based on beneficial use.

Special Master Reports and Recommendations were entered on October 8, 2009, in subcases 75-13716, 75-13717 and 75-13718, but claim 75-4042 was not addressed even though IDWR identified it as an uncontested overlapping claim to those three subcases.

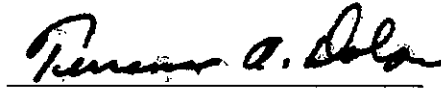
On November 6, 2009, the Special Master entered a *Report* in subcase 75-4042, but there was an error in the purpose of use: "1 home" should not have been included. The wording should be simply "domestic."

Conclusions of Law

The Upper Gibbonsville Water Association is entitled to an amended partial decree adjudicating a water right as recommended by IDWR and as described in the

attached *Amended Special Master Recommendation for Partial Decree for Water Right 75-4042*.

DATED December 3, 2009.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

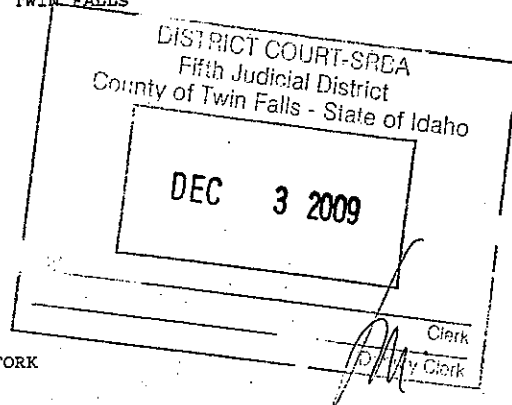
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-04042



NAME AND ADDRESS:

UPPER GIBBONSVILLE WATER ASSOC
C/O IRA D TAYLOR
82 GIVVONSVILLE ROAD
GIBBONSVILLE, ID 83463

SOURCE:

DAHLONEGA CREEK TRIBUTARY: SALMON RIVER, NORTH FORK

QUANTITY:

0.40 CFS

PRIORITY DATE:

10/09/1901

POINT OF DIVERSION:

T26N R21E S25

SENE Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Domestic

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.40 CFS

PLACE OF USE:

Domestic

T26N R21E S25

SWNE

Within Lemhi County

SENE

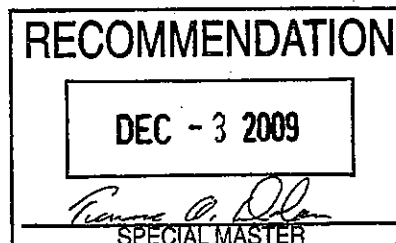
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

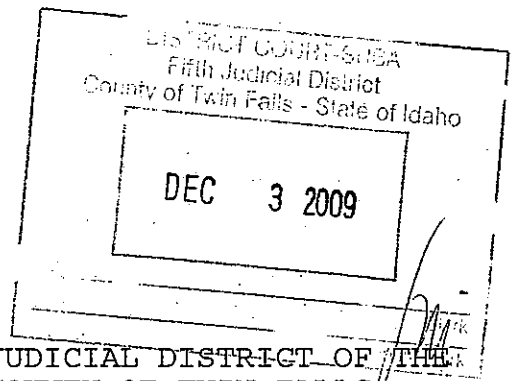
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

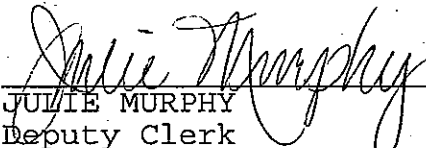
Water Right(s): 75-04042

On December 03, 2009, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

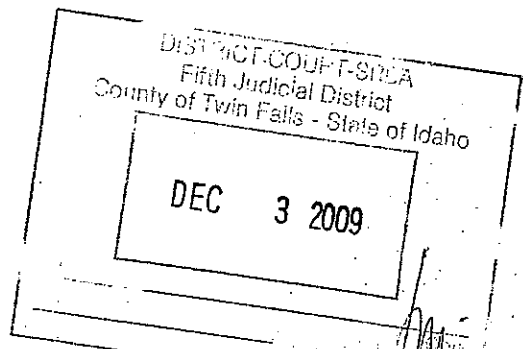
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 December 03, 2009.



JULIE MURPHY
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

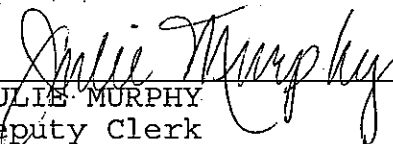
Water Right(s) : 75-04042

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 December 03, 2009, with sufficient first-class postage prepaid to the following:

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

UPPER GIBBONSVILLE WATER ASSOC
C/O IRA D TAYLOR
82 GIVVONSVILLE ROAD
GIBBONSVILLE, ID 83463



JULIE MURPHY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/03/09