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DEC 21 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 18 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

) ORDER GRANTING MOTION FOR
) SUMMARY JUDGMENT
)
) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 47-02111

A notice of claim was filed for water right 47-02111 by Rebecca R. McCauley (hereinafter "Claimant") for 1.4 cfs of water from an unnamed coulee, tributary to Cedar Draw, for the irrigation of 70 acres. The basis of the claim is a license. The *Director's Report* for water right 47-02111 recommended 1.24 cfs of water from an unnamed stream tributary to Cedar Draw for the irrigation of 62 acres.

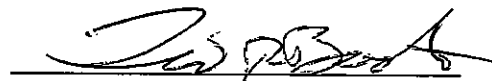
On September 14, 2007, the Twin Falls Canal Company, through its attorney Paul L. Arrington, filed an objection to the *Director's Report*, asserting that the source should be described as waste water originating from the Twin Falls Canal Company.

On November 10, 2009, the Twin Falls Canal Company filed a *Motion for Summary Judgment*, together with a *Memorandum in Support of Twin Falls Canal Company's Motion Summary Judgment*, and the *Affidavit of Brian Olmstead*. Oral argument on summary judgment was held on December 8, 2009. The Claimant did not file any briefing or affidavits in opposition to the Twin Falls Canal Company's *Motion for Summary Judgment*, nor did the Claimant attend or participate in the oral argument.

The undisputed facts on file in this subcase set forth in the *Director's Report* and the *Affidavit Brian Olmstead* show that there are no genuine issues as to any material fact, and that the moving party is entitled to judgment as a matter of law. Specifically, the record demonstrates that the water which accumulates in the unnamed stream, which is

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 47-02111 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec 18, 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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-02111

NAME AND ADDRESS: REBECCA R MC CAULEY
1711 W 11TH ST
UPLAND, CA 91786

SOURCE: UNNAMED STREAM TRIBUTARY: CEDAR DRAW

QUANTITY: 1.24 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 4.0 afa per acre at
the field headgate for irrigation of the lands herein.

PRIORITY DATE: 10/18/1916

POINT OF DIVERSION: T09S R15E S26 SWNE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.24 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T09S R15E S23	NWSE 18.0 SESE 4.0 62.0 Acres Total

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

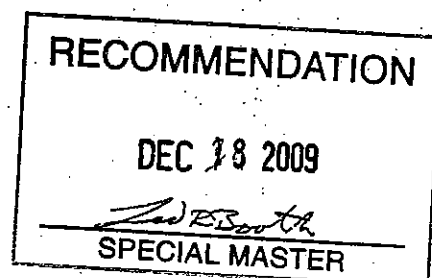
The source of this right includes waste water. The wasting of
water may be discontinued at any time.

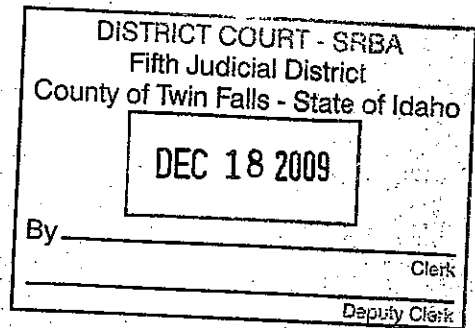
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

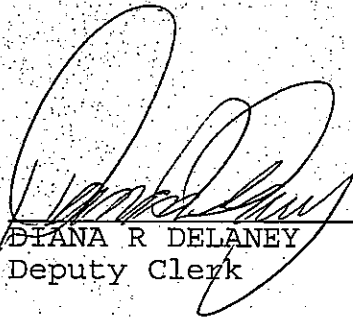
Water Right(s): 47-02111

On December 18, 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.

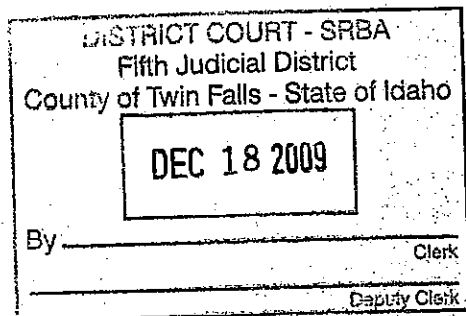
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 December 18, 2009.



DIANA R DELANEY
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): 47-02111

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 18, 2009, with sufficient first-class postage prepaid to the following:

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

TWIN FALLS CANAL COMPANY
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

REBECCA R MC CAULEY
1711 W 11TH ST
UPLAND, CA 91786
Phone: 909-985-0575

CERTIFICATE OF MAILING

DIANA R. DELANEY
Deputy Clerk

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12/18/09