

2009 DEC 30 PM 2 58

**WATER RIGHT NO.: 22-13673**

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 22-13673

2009 DEC 30 PM 2 58

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DEC 31 2009

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: BRIAN BOYLE  
JULIE BOYLE  
PO BOX 1085  
VICTOR, ID 83455

SOURCE: DRAKE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USES SHALL  
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T03N R45E S18 LOT 1 (NWNWNW) Within Teton County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-15 | 0.05 CFS |
|                               | Stockwater     | 04-15 TO 10-15 | 0.02 CFS |

|               |                                  |                     |
|---------------|----------------------------------|---------------------|
| PLACE OF USE: | Irrigation                       | Within Teton County |
|               | T03N R45E S07<br>2.5 Acres Total | SESE 2.5            |
| Stockwater    | Within Teton County              |                     |
|               | T03N R45E S07                    | SESE                |

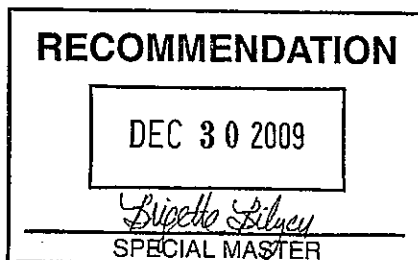
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 22-13673

On December 30, 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 December 30, 2009.

  
JANET CONNELL  
Deputy Clerk

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WATER RESOURCES

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TWIN FALLS CO., IDAHO  
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 22-13673

CERTIFICATE OF MAILING

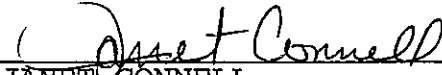
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 30, 2009, with sufficient first-class postage prepaid to the following:

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

RICHARD & SUSAN JACOBSEN  
Represented by:  
KENT W FOSTER  
1000 RIVERWALK DR, STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

BRIAN BOYLE  
JULIE BOYLE  
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CERTIFICATE OF MAILING

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JANET CONNELL  
Deputy Clerk