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DEC 31 2009

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 DEC 30 PM 2 07

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

) WATER RIGHT NO.: 22-13882  
) (Split from 22-13377)  
)

I. FINDINGS OF FACT

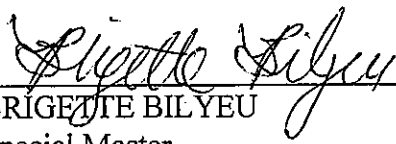
A notice of claim was filed for water right 22-13377 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

*Objections* were filed to 22-13377 by Kolene Later and Beulah Brower. A *Notice of Completed Administrative Proceeding* was filed on November 28, 2008. The NCAP split the original right 22-13377 into 22-13881, 22-13882, 22-13903, 22-13904, 22-13905, and 22-13906. The *Objections* were resolved with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

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

DATED: Dec. 30, 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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

In Re SRBA )  
 )  
Case No. 39576 )  
 )

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

Water Right 22-13882

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DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: TETONIA PROPERTIES LLC  
C/O PETE FREYMAN  
394 S 100 W  
VICTOR, ID 83455

SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.39 CFS

PRIORITY DATE: 01/18/1905

POINT OF DIVERSION: T06N R45E S08 NWNSE Within Teton County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 0.39 CFS |

PLACE OF USE: Irrigation Within Teton County  
T06N R45E S17 NWNW 17.0  
17.0 Acres Total

Rights Nos. 22-13879 and 22-13882 are limited to the irrigation  
of a combined total of 17 acres 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

DEC 30 2009

*Bridgette Silvey*  
SPECIAL MASTER

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

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In Re SRBA )

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 22-13882

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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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

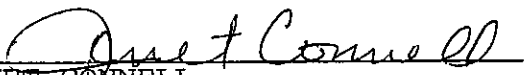
Water Right(s): 22-13882

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

TETONIA PROPERTIES LLC  
C/O PETE FREYMAN  
394 S 100 W  
VICTOR, ID 83455

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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12/30/09