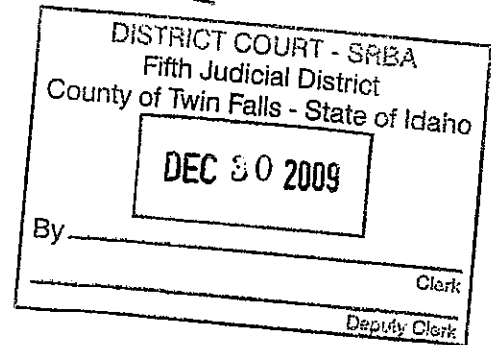


RECEIVED

DEC 31 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

) Subcase 73-4028

) (Santee)

Case No. 39576

)

) 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 73* on January 25, 2007. The Director recommended the claim to George E. Santee, Jr., P.O. Box 2314, Idaho Falls, Idaho, 83403-2341, for .14 cfs from Morse Creek to irrigate 67 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1948, based on beneficial use.

Mr. Santee filed an *Objection* on October 29, 2007, objecting to quantity and place of use. On September 1, 2009, he was granted leave to amend the claim and on October 30, 2009, IDWR filed its *Amended Director's Report*. Mr. Santee filed a second *Objection* on November 23, 2009, objecting to quantity. Finally, on December 24, 2009, Mr. Santee, with IDWR's concurrence, filed a *Standard Form 5*, agreeing to 1.6 cfs to irrigate 304.8 acres.

Conclusions of Law

Mr. Santee is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 73-4028*.

DATED December 30, 2009.

A handwritten signature in cursive script, reading 'Terrence A. Dolan'.

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-04028

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 30 2009
By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS, ID 83403-2341

SOURCE: MORSE CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.60 CFS

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T15N R22E S26 NWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R21E S01 LOT 1 (NENE) 20.0	
	R22E S06 LOT 2 (NWNE) 29.0	LOT 3 (NENW) 3.3
	T15N R21E S36 SESE 40.0	
	R22E S06 LOT 4 (NWNW) 19.0	
	S31 SWNE 1.5	NESW 39.0
	LOT 4 (SWSW) 40.0	SESW 36.0
	NWSE 39.0	SWSE 38.0
	304.8 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 304.8 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028, 73-4083, 73-4086 & 73-10066.

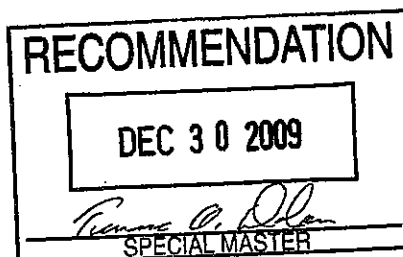
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

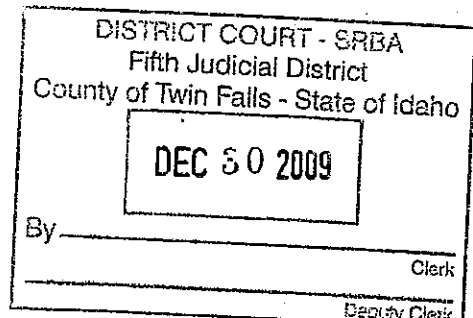
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Eric J. Wildmman
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)
_____)

CERTIFICATE OF MAILING

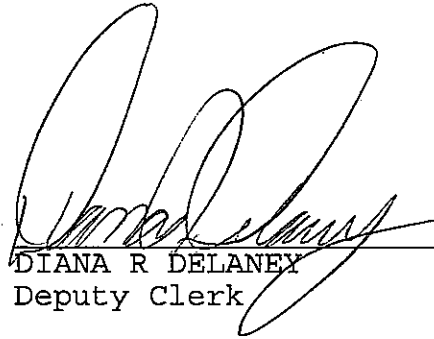
Water Right(s) : 73-04028

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

GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS, ID 83403-2341
Phone: 208-522-0202



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/30/09

Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 73-04028

On December 30, 2009, Special Master TERRENCE A. DOLAN 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.



 DIANA R DELANEY
 Deputy Clerk