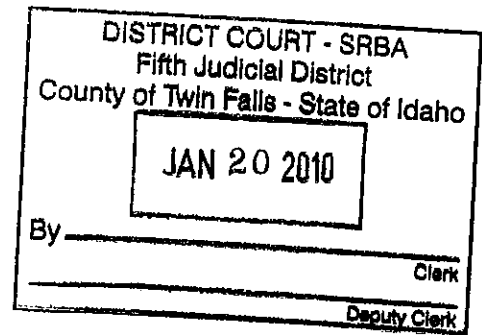


RECEIVED

JAN 20 2010

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 47-04453,
) 47-17266, and 47-17268
)
) RECOMMENDATION OF
) DISALLOWANCE FOR WATER RIGHT
) CLAIM 47-04189

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water rights 47-04453, 47-17266 and 47-17268. The *Director's Report* recommended that water right claim 47-04189 be disallowed.

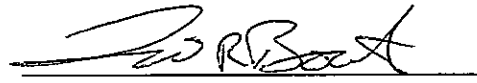
The Twin Falls Canal Company filed objections to the *Director's Report* for water rights 47-17266 and 47-17268. On October 13, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcases 47-17266 and 47-17268 which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

As to water right claims 47-04189 and 47-04453, claimant Gary Storrer filed objections to the *Director's Report*. An initial hearing was held on November 23, 2009, at which the claimants failed to appear. An *Order to Show Cause* was issued, and a hearing thereon was held on January 5, 2010. Again the claimants failed to appear. In accordance with the terms of the *Order to Show Cause*, the objections are dismissed, meaning that water right 47-04453 may be decreed with the elements set forth in the *Director's Report*, and water right claim 47-04189 may be decreed disallowed.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 47-04453, 47-17266, and 47-17268 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claim 47-04189 with prejudice.

Dated Jan 20, 2010


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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 47-04453

NAME AND ADDRESS: CONNIE STORRER
GARY STORRER
1042 WILDWOOD WAY
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.
This right when combined with all other rights shall provide no
more than 0.02 cfs per acre for irrigation of the lands herein.

PRIORITY DATE: 12/31/1961

POINT OF DIVERSION: T10S R17E S02 NESENE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.30 CFS
	Stockwater	03-15 TO 11-15	0.08 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T09S R17E S35 LOT 7 (SWSE) 16.0	LOT 14 (SWSE) 0.5
	LOT 9 (SESE) 6.8	
	T10S R17E S02 LOT 1 (NENE) 21.0	LOT 2 (NWNE) 17.0
	SENE 3.7	
	65.0 Acres Total	
	Stockwater	Within Twin Falls County
	T09S R17E S35 LOT 7 (SWSE)	LOT 14 (SWSE)
	LOT 9 (SESE)	
	T10S R17E S02 LOT 1 (NENE)	LOT 2 (NWNE)
	SENE	
	Domestic	Within Twin Falls County
	T10S R17E S02	SENE

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 91.9 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 47-17266, 47-17268 and 47-4453.

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

The quantity of water decreed for this water right for domestic
use and 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).

RECOMMENDATION

JAN 20 2010

John B. Smith
SPECIAL MASTER

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 47-17266

NAME AND ADDRESS: CONNIE STORRER
GARY STORRER
1042 WILDWOOD WAY
TWIN FALLS, ID 83301

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 0.50 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre for irrigation of the lands herein.

PRIORITY DATE: 01/17/1945

POINT OF DIVERSION: T10S R17E S01 SWSWNW Within Twin Falls County
NWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.50 CFS

PLACE OF USE: Irrigation Within Twin Falls County

T09S R17E S35 LOT 14 (NESE) 3.4	LOT 8 (NESE) 3.2
LOT 7 (SWSE) 16.0	LOT 14 (SWSE) 0.6
LOT 9 (SESE) 27.0	
T10S R17E S02 LOT 1 (NENE) 21.0	LOT 2 (NWNE) 17.0
SENE 3.7	
91.9 Acres Total	

This right is limited to the irrigation of 62.5 acres within the
place of use described above in a single irrigation season.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 91.9 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 47-17266, 47-17268 and 47-4453.

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

The source of this water right includes waste water. This right
remains subject to the right of the original appropriator, in
good faith and in compliance with the state laws governing
changes in use and/or expansion of water rights, to cease
wasting water, to change the place or manner of wasting it, or to
recapture it.

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).

RECOMMENDATION

JAN 20 2010

Lawrence Booth
SPECIAL MASTER

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-17268

NAME AND ADDRESS: CONNIE STORRER
GARY STORRER
1042 WILDWOOD WAY
TWIN FALLS, ID 83301

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.57 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre for irrigation of the lands herein.

PRIORITY DATE: 06/03/1959

POINT OF DIVERSION: T10S R17E S01 SWSWNW Within Twin Falls County
NWNENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.57 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T09S R17E S35 LOT 14 (NESE) 3.4	LOT 8 (NESE) 3.2
	LOT 7 (SWSE) 16.0	LOT 14 (SWSE) 0.6
	LOT 9 (SESE) 27.0	
	T10S R17E S02 LOT 1 (NENE) 21.0	LOT 2 (NWNE) 17.0
	SENE 3.7	
	91.9 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 91.9 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 47-17266, 47-17268 and 47-4453.

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

The source of this water right includes waste water. This right
remains subject to the right of the original appropriator, in
good faith and in compliance with the state laws governing
changes in use and/or expansion of water rights, to cease
wasting water, to change the place or manner of wasting it, or
to recapture it.

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).

RECOMMENDATION

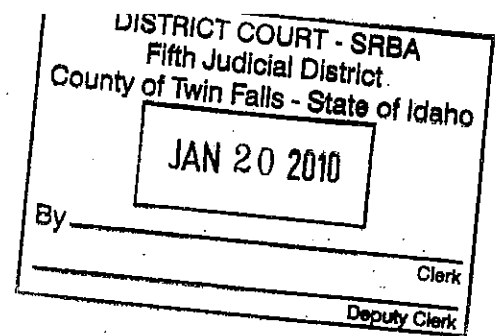
JAN 20 2010

David B. Booth
SPECIAL MASTER

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

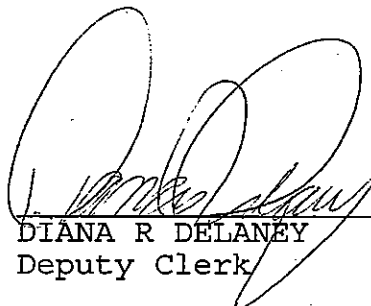
Water Right(s): 47-04189
47-04453 47-17266 47-17268

On January 20, 2010, 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 January 20, 2010.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 20 2010	
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 47-04189
47-04453 47-17266 47-17268

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 January 20, 2010, with sufficient first-class postage prepaid to the following:

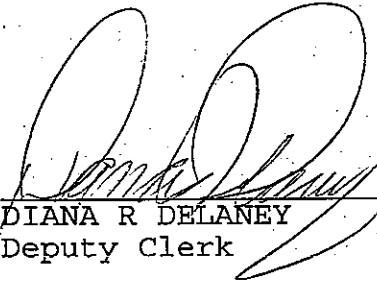
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

CERTIFICATE OF MAILING

PAGE 1
01/19/10

CONNIE STORRER
GARY STORRER
GEMCON FINANCIAL CORP
1042 WILDWOOD WAY
TWIN FALLS, ID 83301



DIANA R DELANEY
Deputy Clerk