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MAR 12 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 10 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	) Subcase 02-7053
	) (Hans Nederend Jr. Family Trust)
Case No. 39576	)
	) ORDER DISMISSING / GRANTING
	) OBJECTIONS and 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 Basin 02* on December 29, 2006. The Director recommended the claim to Vivian and Jeffrey Good for 10 cfs from the Snake River to irrigate 356 acres in Owyhee County from April 1 to October 15 with a priority date of January 20, 1970, based on a license.

Rio B LLC, Normco LLC and HWHK, LLC filed an *Objection* on December 4, 2007, objecting to name and address and period of year. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* the same date objecting to place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on February 11, 2009, for substitution of party with the new owner Hans Nederend Jr. Family Trust, 4998 Hogg Road, Homedale, Idaho, 83628.

An initial hearing and a status conference were held on February 19, 2009, and January 21, 2010. The new owner and objector Rio B LLC, Normco LLC and HWHK, LLC both failed to appear at the hearings and made no contact with the Court. An order to show cause hearing was held on January 22, 2010, and the new owner and objector Rio B LLC, Normco LLC and HWHK, LLC both failed to appear again.

Order

THEREFORE, IT IS ORDERED that:

1. The *Objection* filed by Rio B LLC, Normco LLC and HWHK, LLC is **dismissed**; and
2. The *Objection* filed by the United States is **granted**.

Conclusions of Law

The Hans Nederend Jr. Family Trust is entitled to a partial decree adjudicating a water right as recommended by IDWR with the remark "Place of use does not include federal public lands" under place of use and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 02-7053*.

DATED March 10, 2010.



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 02-07053

NAME AND ADDRESS: HANS NEDEREND JR FAMILY TRUST
4998 HOGG RD
HOMEDALE, ID 83628

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 10.00 CFS
2680.00 AFY

PRIORITY DATE: 01/20/1970

POINT OF DIVERSION: T02S R01W S06 LOT 6 (SENE) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	10.00 CFS 2680.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation		Within Owyhee County
	T02S R01W S04	NWSW 25.0	
	S05	SWSW 38.0	SESW 31.0
		NESE 38.0	NWSE 35.0
		SWSE 32.0	SESE 31.0
	S06	SWSE 38.0	SESE 32.0
	S07	NENE 38.0	NWNE 38.0
		NENW 18.0	SENW 38.0
		NESW 17.0	
	S08	NWNE 14.0	NENW 35.0
		NWNW 38.0	
	536.0 Acres Total		

Place of use does not include federal public land.

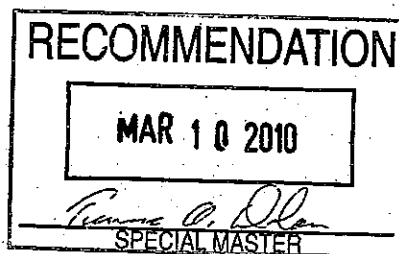
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Wildman
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 10 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)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

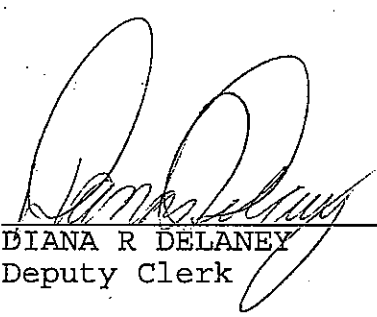
Water Right(s) : 02-07053

On March 10, 2010, 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.

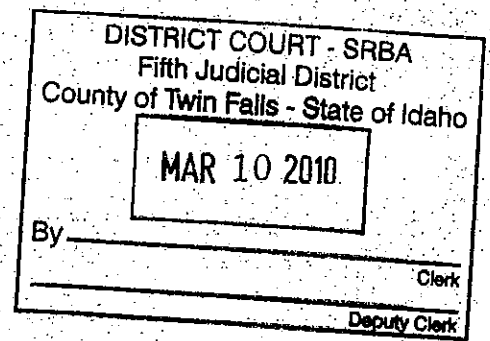
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 March 10, 2010.



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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 02-07053

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 March 10, 2010, with sufficient first-class postage prepaid to the following:

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

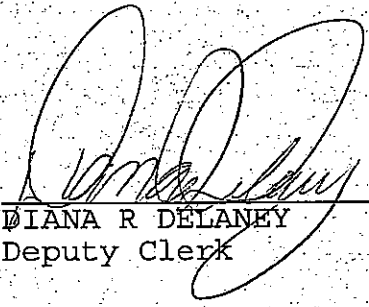
RIO B LLC NORMCO LLC AND
HWHL LLC
3007 CAN-ADA RD
MELBA, ID 83641
Phone: 208-880-8544

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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03/10/10

HANS NEDEREND JR FAMILY TRUST
4998 HOGG RD
HOMEDALE, ID 83628



DIANA R DELANEY
Deputy Clerk