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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 11 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

) Subcases 73-36B, 73-61, 73-2052A,
) 73-2052B, 73-4083, 73-4086 and 73-10066
) (Santee)
)
) 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 claims 73-61, 73-2052A, 73-2052B and 73-10066 to George E. Santee, Jr., P.O. Box 2341, Idaho Falls, Idaho, 83403-2341, for between .6 cfs and 2.4 cfs from Morse Creek and Patterson Creek to irrigate 100 acres, 67 acres and 139.2 acres in Lemhi County from April 1 to October 31 with priority dates between June 1, 1884, and April 1, 1960, based on a decree, licenses and beneficial use.

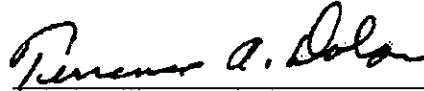
Mr. Santee filed *Objections* in subcases 73-61, 73-2052A, 73-2052B and 73-10066 on October 29, 2007, objecting to points of diversion, purpose of use and places of use. IDWR identified 73-36B, 73-4083 and 73-4086 as uncontested overlapping claims.

Mr. Santee was granted leave to amend his four contested claims, plus 73-4028, on September 1, 2009, and IDWR filed its *Amended Director's Report* on October 30, 2009, recommending the above seven subcases, plus 73-4028. No one objected to IDWR's recommendations and 73-4028 was partial decreed on March 3, 2010.

Conclusions of Law

Mr. Santee is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-36B, 73-61, 73-2052A, 73-2052B, 73-4083, 73-4086 and 73-10066*.

DATED March 11, 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 73-00036B

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.32 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION: T14N R22E S08 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 05-14	1.10 CFS
	Irrigation	05-15 TO 07-09	1.32 CFS
	Irrigation	07-10 TO 10-31	0.92 CFS
	Stockwater	04-01 TO 05-14	1.10 CFS
	Stockwater	05-15 TO 07-09	1.32 CFS
	Stockwater	07-10 TO 10-31	0.92 CFS

PLACE OF USE: Irrigation Within Lemhi County

T14N R21E S01 LOT 1	(NENE)20.0	
R22E S06 LOT 3	(NENW) 3.3	LOT 4 (NWNW)19.0
T15N R21E S36	SESE 40.0	
R22E S31 LOT 4	(SWSW)40.0	SESW 17.0
139.3 Acres Total		

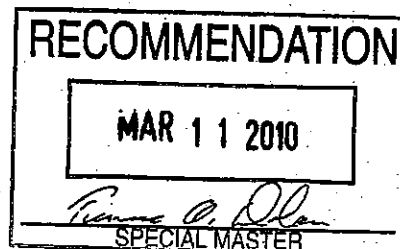
Stockwater Within Lemhi County
Same as Irrigation

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. This right is limited to the irrigation of 66.0 acres within the place of use described above in a single irrigation season.

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

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 73-00061

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

SOURCE: MORSE CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 2.40 CFS

The appropriator is entitled to the quantity of water described
above at the point of measurement in T15N, R22E, S31, NWNESE.

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T15N R22E S26 NWNE Within Lemhi County

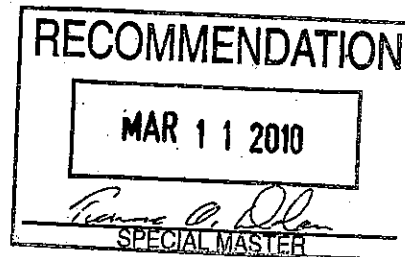
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.40 CFS

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
	LOT 4 (NWNW) 19.0	
	T15N R21E S36 SESE 40.0	
	R22E 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.
This right is limited to the irrigation of 120.0 acres within the
place of use described above 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).



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 73-02052A

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.60 CFS

PRIORITY DATE: 10/18/1909

POINT OF DIVERSION: T14N R22E S08 NWNW Within Lemhi County
S09 SWSW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.60 CFS

PLACE OF USE: Irrigation Within Lemhi County

T14N R21E S01 LOT 1	(NENE) 20.0	
R22E S06 LOT 2	(NWNW) 29.0	LOT 3 (NENW) 3.3
LOT 4	(NWNW) 19.0	
T15N R21E S36	SESE 40.0	
R22E S31	SWNE 0.2	NESW 39.0
LOT 4	(SWSW) 40.0	SESW 36.0
	NWSE 24.0	SWSE 38.0
288.5 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.

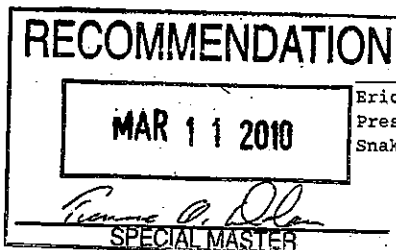
This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

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.



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 73-02052B

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 08/18/1911

POINT OF DIVERSION: T14N R22E S08 NWNW Within Lemhi County
S09 SWSW

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	1.00 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
LOT 4 (NWNW) 19.0	
T15N R21E S36 SESE 40.0	
R22E S31 SWNE 0.2	NESW 39.0
LOT 4 (SWSW) 40.0	SESW 36.0
NWSE 24.0	SWSE 38.0
288.5 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.

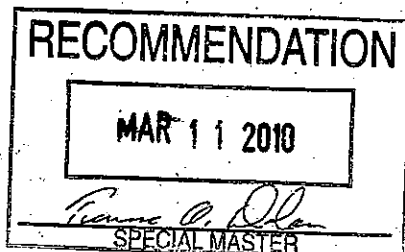
This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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).

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Eric J. Wildman
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 73-04083

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

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/19/1910

POINT OF DIVERSION: T14N R22E S06 LOT 3 (NENW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.40 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R21E S01 LOT 1 (NENE) 2.1
R22E S06 LOT 3 (NENW) 2.9 LOT 4 (NWNW) 16.0
21.0 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.

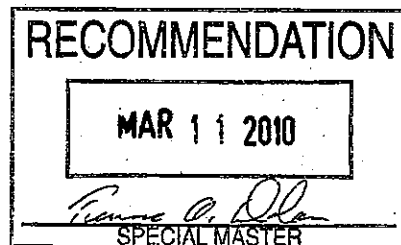
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with 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).

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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 73-04086

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

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 0.80 CFS

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T15N R21E S36 SESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS

PLACE OF USE: Irrigation Within Lemhi County
T15N R21E S36 SESE 37.0
37.0 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.

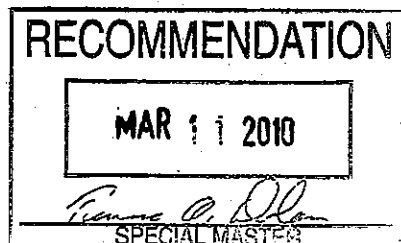
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with 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).

RULE 54(b) CERTIFICATE

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Eric J. Wildman
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
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-10066

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

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.10 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION: T14N R22E S08 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.10 CFS
	Stockwater	01-01 TO 12-31	2.10 CFS

PLACE OF USE: Irrigation Within Lemhi County

T14N R21E S01 LOT 1	(NENE) 20.0	
R22E S06 LOT 3	(NENW) 3.3	LOT 4 (NWNW) 19.0
T15N R21E S36	SESE 40.0	
R22E S31 LOT 4	(SWSW) 40.0	SESW 17.0
139.3 Acres Total		

Stockwater Within Lemhi County

Same as Irrigation

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.

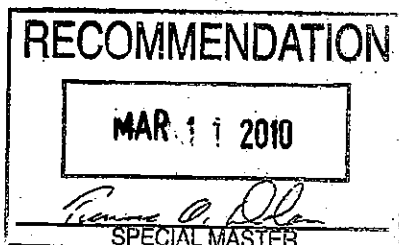
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

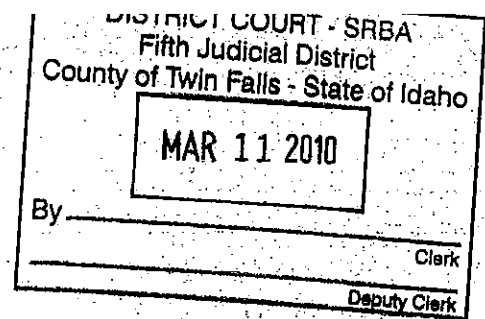
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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Eric J. Wildman
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

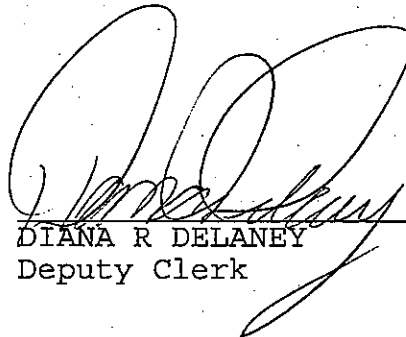
Water Right(s): 73-00036B
73-00061 73-02052A 73-02052B
73-04083 73-04086 73-10066

On March 11, 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.

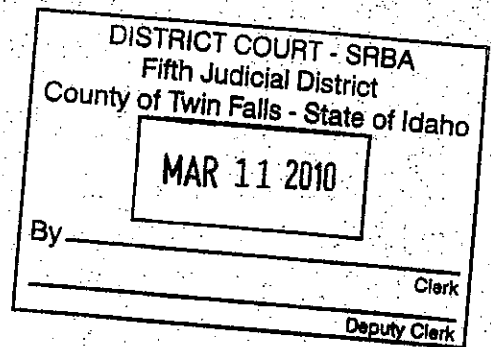
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 11, 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): 73-00036B

73-00061 73-02052A 73-02052B
73-04083 73-04086 73-10066

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 11, 2010, 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

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