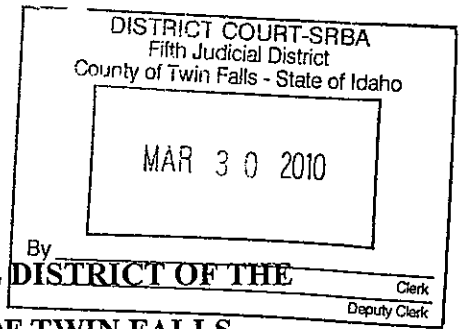


RECEIVED

MAR 31 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 37-11773,
	)	37-11774, 37-11776, 37-11777,
	)	37-11778, AND 37-11779

I. FINDINGS OF FACT

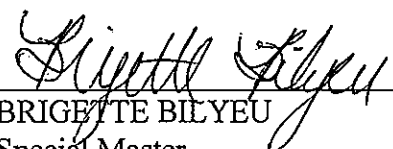
A notice of claim was filed for each of the above-listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

No objections were filed for these water rights. These water rights, however, are used in combination with water right 37-2582 which was the subject of *Objections*. The *Objections* were resolved on December 21, 2009 with the filing of a *Joint Stipulation and Motion for Order Approving Withdrawal of Objections and Responses* was filed on December 21, 2009. The Court **granted** the *Motion. Order Dismissing Objections and Responses*. (January 22, 2010) There are no unresolved objections remaining. These water rights will be recommended consistent with the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: March 30, 2010.


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

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 37-11773

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 30 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.09 CFS

PRIORITY DATE: 04/17/1883

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSENW (Rediversion)

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MAR 31 2010
DEPARTMENT OF
WATER RESOURCES

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.09 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S06 LOT 1 (SENE) 10.2	NESE 26.7
	S07 SESE 26.7	
	S08 NENE 26.7	SENE 26.7
	S08 SWNW 20.0	
	137.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 137 acres in a single irrigation season.
Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776,
37-11777, 37-11778 and 37-11779.

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
MAR 30 2010
<i>Eric J. Wildman</i> SPECIAL MASTER

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAR 30 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-11774

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

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MAR 31 2010

DEPARTMENT OF
WATER RESOURCES

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.82 CFS

PRIORITY DATE: 06/20/1884

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSESW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.82 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S06 LOT 1 (SENE)10.2	NESE 26.7
		SESE 26.7
	S07 NENE 26.7	SENE 26.7
	S08 SWNW 20.0	
	137.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 137 acres in a single irrigation season.
Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776,
37-11777, 37-11778 and 37-11779.

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
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAR 30 2010

Lipette Silvey
SPECIAL MASTER

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 37-11776

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 30 2010	
By _____	Clerk Deputy Clerk

RECEIVED
MAR 31 2010
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.50 CFS

PRIORITY DATE: 06/30/1884

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSESW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S06 LOT 1 (SENE) 10.2 SESE 26.7	NESE 26.7
	S07 NENE 26.7	SENE 26.7
	S08 SWNW 20.0	
	137.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 137 acres in a single irrigation season.
Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776,
37-11777, 37-11778 and 37-11779.

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
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
MAR 30 2010
<i>Elizabeth Silvey</i> SPECIAL MASTER

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 30 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-11777

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.18 CFS

PRIORITY DATE: 06/02/1890

POINT OF DIVERSION: T01N R18E S12 NWSEW Within Blaine County
S25 NWSEW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.18 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S06 LOT 1 (SENE)10.2	NESE 26.7
	S07 SESE 26.7	
	S08 NENE 26.7	SENE 26.7
	S08 SWNW 20.0	
	137.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 137 acres in a single irrigation season.
Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776,
37-11777, 37-11778 and 37-11779.

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
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RULE 54(b) CERTIFICATE

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAR 30 2010

Bigelow Silbey
SPECIAL MASTER

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 30 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-11778

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MAR 31 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.40 CFS

PRIORITY DATE: 10/01/1890

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSESW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.40 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S06 LOT 1 (SENE)10.2	NESE 26.7
		SESE 26.7
	S07 NENE 26.7	SENE 26.7
	S08 SWNW 20.0	
	137.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 137 acres in a single irrigation season.
Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776,
37-11777, 37-11778 and 37-11779.

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

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RECOMMENDATION

MAR 30 2010

Eric J. Wildman
SPECIAL MASTER

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAR 30 2010

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 37-11779

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: ROCKY SHERBINE
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

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MAR 31 2010

DEPARTMENT OF
WATER RESOURCES

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.38 CFS

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSENW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.38 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S06 LOT 1 (SENE) 10.2	NESR 26.7
	S07 SESE 26.7	
	S08 NENE 26.7	SENE 26.7
	S08 SWNW 20.0	
	137.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 137 acres in a single irrigation season.
Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776,
37-11777, 37-11778 and 37-11779.

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

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RECOMMENDATION

MAR 30 2010

Bridgette Libbey
SPECIAL MASTER

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

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MAR 31 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 30 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): 37-11773
37-11774 37-11776 37-11777
37-11778 37-11779

On March 30, 2010, 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 March 30, 2010.


JANET CONNELL
Deputy Clerk

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MAR 31 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 30 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

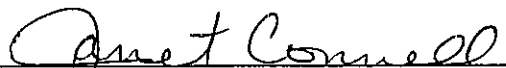
Water Right(s): 37-11773
37-11774 37-11776 37-11777
37-11778 37-11779

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 30, 2010, with sufficient first-class postage prepaid to the following:

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

ROCKY SHERBINE - Represented by Albert Barker
TERRI SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313
Phone: 208-788-4846


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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03/30/10