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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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 22-408B, 22-409B,
	)	AND 22-410B

I. FINDINGS OF FACT

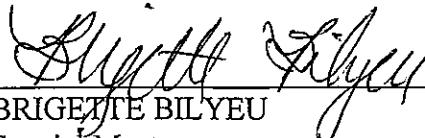
A notice of claim was filed for each of these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

Objections were filed by Ken Dunn on July 25, 2007. A *Motion to File Amended Notice of Claim* was filed on June 1, 2009. A hearing was held on August 26, 2009. The *Motion* was granted. *Order Granting Motion to File Amended Claim and Setting Subcase Deadlines* (September 3, 2009) An *Amended Director's Report* was filed on January 28, 2010. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

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

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 22-00408B

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HAROLD K DUNN TRUST
326 N 300 W
SALT LAKE CITY, UT 84103

SOURCE: SWAMP TRIBUTARY: TETON RIVER

QUANTITY: 0.70 CFS

The rights listed below are limited to a total combined diversion
rate of 2.8 cfs. Combined Right Nos.: 22-408B, 22-409B, 22-410B
and 22-13920.

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION: T05N R45E S18 NENWSE Within Teton County
S21 NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.70 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S18	SWNE 24.0 SENE 31.0
		NESW 0.8 SESW 1.7
		NESE 28.0 NWSE 23.0
		SWSE 40.0 SESE 36.0
	S19	NENE 2.2 NWNE 2.3
	189.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 120 acres in a single irrigation season.
Combined Right Nos.: 22-408B, 22-409B, 22-410B.
The rights listed below are limited to the irrigation of a
combined total of 189 acres in a single irrigation season.
Combined Right Nos.: 22-408B, 22-409B, 22-410B and 22-13920.

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).

RECOMMENDATION

MAR 30 2010

Bugella Bilacy
SPECIAL MASTER

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

By _____ Clerk
Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00409B

NAME AND ADDRESS: HAROLD K DUNN TRUST
326 N 300 W
SALT LAKE CITY, UT 84103

SOURCE: SWAMP TRIBUTARY: TETON RIVER

QUANTITY: 0.875 CFS

The rights listed below are limited to a total combined diversion rate of 2.8 cfs. Combined Right Nos.: 22-408B, 22-409B, 22-410B and 22-13920.

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T05N R45E S18 NENWSE Within Teton County
S21 NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.875 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S18	SWNE 24.0 SENE 31.0
		NESW 0.8 SESW 1.7
		NESE 28.0 NWSE 23.0
		SWSE 40.0 SESE 36.0
	S19	NENE 2.2 NWNE 2.3
	189.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 120 acres in a single irrigation season. Combined Right Nos.: 22-408B, 22-409B, 22-410B.
The rights listed below are limited to the irrigation of a combined total of 189 acres in a single irrigation season. Combined Right Nos.: 22-408B, 22-409B, 22-410B and 22-13920.

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

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RECOMMENDATION

MAR 30 2010

Bigelow Silvey
SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

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 22-00410B

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HAROLD K DUNN TRUST
326 N 300 W
SALT LAKE CITY, UT 84103

SOURCE: SWAMP TRIBUTARY: TETON RIVER

QUANTITY: 1.225 CFS

The rights listed below are limited to a total combined diversion
rate of 2.8 cfs. Combined Right Nos.: 22-408B, 22-409B, 22-410B
and 22-13920.

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION: T05N R45E S18 NENWSE Within Teton County
S21 NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.225 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S18	SWNE 24.0 SENE 31.0
		NESW 0.8 SESW 1.7
		NESE 28.0 NWSE 23.0
		SWSE 40.0 SESE 36.0
	S19	NENE 2.2 NWNE 2.3
	189.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 120 acres in a single irrigation season.
Combined Right Nos.: 22-408B, 22-409B, 22-410B.
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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

MAR 30 2010

Biggott Silbey
SPECIAL MASTER

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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): 22-00408B
22-00409B 22-00410B

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.

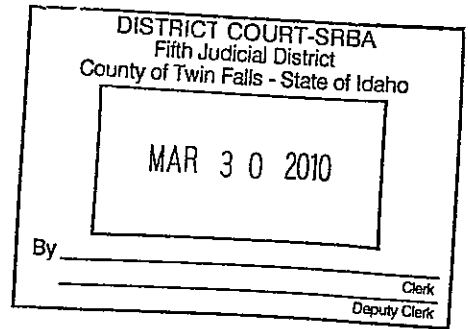
DATED March 30, 2010.


JANET CONNELL
Deputy Clerk

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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

CERTIFICATE OF MAILING

Water Right(s): 22-00408B
22-00409B 22-00410B

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

HAROLD K DUNN TRUST
KEN DUNN

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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03/30/10