

DEPARTMENT OF
WATER RESOURCES

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

APR 13 2010

By _____ Clerk

Deputy Clerk

FOR WATER RIGHT: 37-856

Brigette Bilyeu
BRIGETTIE 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	
APR 13 2010	
By _____	Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00856

RECEIVED
APR 14 2010
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: GARY A DE MOSS
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314

SOURCE: DRY CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 32.00 CFS
760.00 AFY

The reservoir may be refilled multiple times in a single year.
All storage uses described by rights 37-856, 37-857, 37-2778,
37-2780 and 37-7754 when combined shall not exceed the reservoir
storage capacity of 4365 acre-feet.

PRIORITY DATE: 02/01/1917

Pursuant to a call in times of scarcity, the diversion to
storage from November 1 to March 31 is not subject to
curtailment by Water Right Nos. 37-238A, 37-239A, 37-239D,
37-240A, 37-240D, 37-447C, 37-447D, 37-607D, 37-608D, 37-1160,
37-1175 and 37-11131.

POINT OF DIVERSION: T04S R14E S06 SENESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	760.00 AFY
	Irrigation from Storage	04-01 TO 10-31	760.00 AFY
	Stockwater Storage	01-01 TO 12-31	15.00 AFY
	Stockwater from Storage	04-01 TO 10-31	15.00 AFY
	Diversion to Storage	01-01 TO 12-31	32.00 CFS

PLACE OF USE:	Within Gooding County
Irrigation from Storage	
T05S R13E S03 LOT 4	(NWNW) 28.0 NWSW 36.0
S04 LOT 1	(NENE) 25.0 SWNE 11.0 NESW 27.0 NESE 38.0 SWSE 39.0
S09	NWNE 32.0 SENE 19.0 NWNW 18.0 NESW 40.0 NWSE 25.0
S16	NWNE 13.0 NWNW 39.0 SENE 10.0
808.0 Acres Total	

Stockwater from Storage	Within Gooding County
T05S R13E S03 LOT 4	(NWNW) NWSW
S04 LOT 1	(NENE) SWNE NESW NESE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

S09	SWSE	SESE
	NWNE	SWNE
	SENE	NENW
	NWNW	SENW
	NESW	SESW
S16	NWSE	SWSE
	NWNE	NENW
	NWNW	SWNW
	SENW	

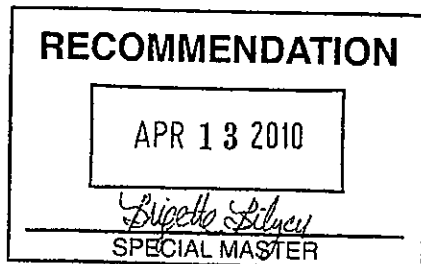
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the terms of the Agreement Between Gary A. and Helen DeMoss and Northside Canal Company Regarding Water Rights 37-856, 37-2778, 37-2780, 37-7754, executed October 5, 2007, and recorded in Gooding County, Idaho on October 19, 2007 (Instrument No. 223865).

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

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

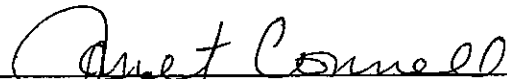
Water Right(s) : 37-00856

On April 13, 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 April 13, 2010.


JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-00856

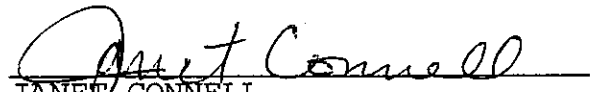
CERTIFICATE OF MAILING

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 April 13, 2010, with sufficient first-class postage prepaid to the following:

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

GARY & HELEN DEMOSS
GARY A DE MOSS
HELEN DE MOSS

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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04/13/10