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APR 14 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 13 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
	)	
	)	FOR WATER RIGHT: 37-7754
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 a recommendation for the elements of this water right.

An *Objection* was filed by Gary and Helen DeMoss on March 10, 2006. The *Objection* was resolved on July 17, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

Subsequently, a *Notice of Completed Administrative Proceeding* was filed on August 18, 2008. This water right will be recommended consistent with the *NCAP*.

II. CONCLUSIONS OF LAW

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

DATED: April 13, 2010.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

APR 13 2010

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 37-07754

By _____ Clerk
Deputy Clerk

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

SOURCE: DRY CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 3.23 CFS
2504.00 AFY

The direct flow irrigation use described by rights 37-2778,
37-7754, and 37-22168 when combined shall not exceed a total
annual maximum diversion volume of 2001 AF at the field
headgate.
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: 12/14/1978

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	04-01 TO 11-01	3.23 CFS
		939.00 AFY
Irrigation Storage	01-01 TO 12-31	1565.00 AFY
Irrigation from Storage	04-01 TO 11-01	1565.00 AFY
Diversion to Storage	01-01 TO 12-31	3.23 CFS

PLACE OF USE:

PLACE OF USE	QUANTITY
Irrigation	Within Gooding County
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	

Irrigation from Storage Within Gooding County
Same as Irrigation

The direct flow irrigation use described by this right is

PLACE OF USE (continued)

limited to the irrigation of 313 acres within the place of use described above in a single irrigation season. Irrigation from storage is not limited but currently confined to the place of use described above.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined is limited to the irrigation of 639 acres.

The direct flow irrigaiton use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigaion of 555 acres.

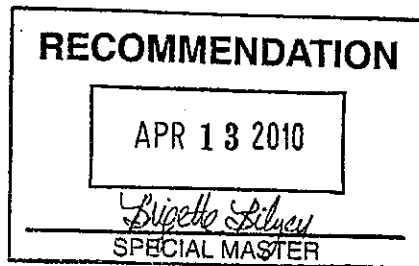
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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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

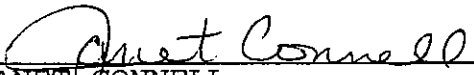
Water Right(s) : 37-07754

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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In Re SRBA)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 37-07754

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