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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

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

) WATER RIGHT NOS.: 37-21961 AND 37-
) 21962

I. FINDINGS OF FACT

A notice of claim was filed for each of the above-captioned 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 the above-captioned water rights. These water rights, however, are used in combination with water rights 37-2778 and 37-7754 which were the subject of *Objections*. The *Objections* were resolved on July 17, 2008 with the filing of *Standard Forms 5*. All parties to the subcases and IDWR are signatories to the *Standard Forms 5*. There are no unresolved objections remaining.

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

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: April 13, 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	
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 37-21961

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

SOURCE: DRY CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.88 CFS

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/17/1932

POINT OF DIVERSION: T04S R14E S06 NESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	1.86 CFS
Stockwater		01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Gooding County
T05S R13E S03 LOT 4	(NWNW) 28.0 NWSW 36.0	SWNW 32.0
S04 LOT 1	(NENE) 25.0 SWNE 11.0 NESW 27.0 NESE 38.0 SWSE 39.0	LOT 2 (NWNE) 1.0 SENE 40.0 SESW 40.0 NWSE 34.0 SESE 21.0
S09	NWNE 32.0 SENE 19.0 NWNW 18.0 NESW 40.0 NWSE 25.0	SWNE 38.0 NENW 34.0 SENW 40.0 SESW 40.0 SWSE 18.0
S16	NWNE 13.0 NWNW 39.0 SENW 10.0	NENW 40.0 SWNW 30.0
808.0 Acres Total		

Stockwater Within Gooding County
Same as Irrigation

This right is limited to the irrigation of 93 acres within the place of use described above in a single irrigation season. The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigation of 555 acres. The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined shall not exceed a total of 639 acres 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

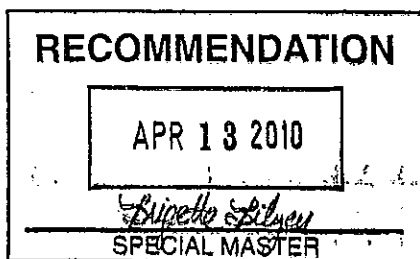
OTHER PROVISIONS (continued)

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

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21962

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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: 6.62 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 04/13/1954

POINT OF DIVERSION: T04S R14E S06 NESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.60 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T05S R13E S03 LOT 4	(NWNW)28.0 SWNW 32.0
		NWSW 36.0
	S04 LOT 1	(NENE)25.0 LOT 2 (NWNW) 1.0
		SWNE 11.0 SENE 40.0
		NESW 27.0 SESW 40.0
		NESE 38.0 NWSE 34.0
		SWSE 39.0 SESE 21.0
	S09	NWNE 32.0 SWNE 38.0
		SENE 19.0 NENW 34.0
		NWNW 18.0 SENW 40.0
		NESW 40.0 SESW 40.0
		NWSE 25.0 SWSE 18.0
	S16	NWNE 13.0 NENW 40.0
		NWNW 39.0 SWNW 30.0
		SENE 10.0
	808.0 Acres Total	

Stockwater Within Gooding County
Same as Irrigation

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined shall not exceed a total of 639 acres in a single irrigation season. This right is limited to the irrigation of 330 acres within the place of use described above in a single irrigation season. The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigation of 555 acres.

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

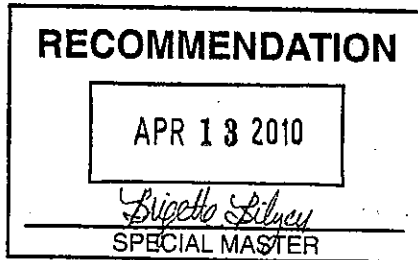
OTHER PROVISIONS (continued)

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

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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) : 37-21961

37-21962

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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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) : 37-21961
37-21962

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 A DE MOSS - Rep. by Josephine P. Beeman
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314
Phone: 208-352-4385


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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04/13/10