

APR 16 2010

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

APR 15 2010

DISTRICT OF THE

By _____ Clerk
F TWIN FALLS _____ Deputy Clerk

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

Case No. 39576

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

**WATER RIGHT NOS.: 37-436C and
37-884**

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.

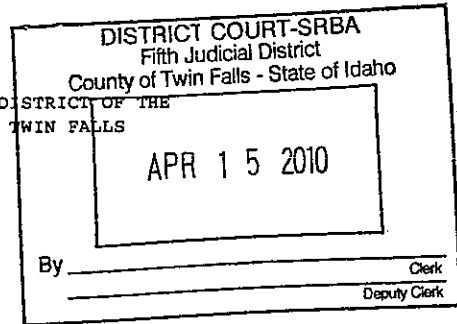
Objections were filed by Sinclair Oil Corporation and Newfoundland Partners on July 2, 2008. A *Joint Stipulation and Motion for Order Approving Withdrawal of Objections and Responses* was filed on December 21, 2009. The Court **granted** the *Motion. Order Dismissing Objections and Responses*. (January 22, 2010) There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

DATED: April 15, 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 37-00436C

NAME AND ADDRESS: WILLIAM L SHERBINE
C/O ROCKY SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

TERRI SHERBINE
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

RECEIVED

APR 16 2010

DEPARTMENT OF
WATER RESOURCES

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/01/1901

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

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

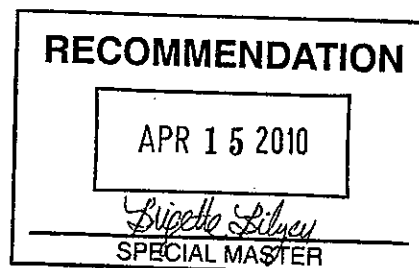
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S07	NENW 38.0 LOT 1 (NWNW) 41.0 SESW 39.0 SENW 40.0 NESW 40.0
	198.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 198 acres in a single irrigation season.
Combined Right Nos.: 37-884, 37-436C and 37-2682.

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.

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

APR 15 2010

In Re SRBA

Case No. 39576

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

Water Right 37-00884

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

WILLIAM L SHERBINE
C/O ROCKY SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

TERRI SHERBINE
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE:

BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY:

3.20 CFS

The amount deliverable under this right is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning to the Big Wood River.

PRIORITY DATE:

05/14/1913

Pursuant to a call in times of scarcity, this right is subject to the provisions included within In Re Fred W. Fator, plaintiff vs. James A Jones, Watermaster, defendant decree of the Fourth Judicial District of the State of Idaho, Blaine County dated June 1, 1918 and as corrected April 2, 1919.

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	3.20 CFS

PLACE OF USE:

Place of Use	Quantity
Irrigation	Within Blaine County
T01S R19E S07	NENW 38.0 LOT 1 (NWNW)41.0
	SENW 40.0 NESW 40.0
	SESW 39.0
198.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 198 acres in a single irrigation season.
Combined Right Nos.: 37-884, 37-436C and 37-2682.

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

This right is deliverable as long as drain ditches are maintained that drain water off of the land of the decree holder. The amount deliverable is equivalent to the lesser of the amount decreed, the amount of drain water measured leaving the property of the decree holder along south line the S1/2 of the SW 1/4 of Section 7 T01S, R19E which becomes tributary to Willow Creek, or the measured amount of Willow Creek returning

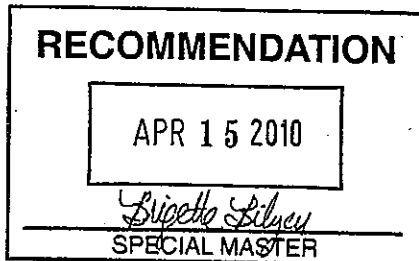
OTHER PROVISIONS (continued)

to the Big Wood River. The decree owner shall maintain sufficient measuring devices at all points of drainage from his property and at the point that Willow Creek enters the Big Wood River to allow the watermaster to regulate the 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.



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

RECEIVED

APR 16 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 15 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) : 37-00436C
37-00884

On April 15, 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 15, 2010.


JANET CONNELL
Deputy Clerk

RECEIVED

APR 16 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 15 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): 37-00436C
37-00884

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 15, 2010, with sufficient first-class postage prepaid to the following:

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

TERRI SHERBINE
WILLIAM L SHERBINE
WILLIAM T "ROCKY" SHERBINE

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/15/10