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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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 37- 590A
_____	)	

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.

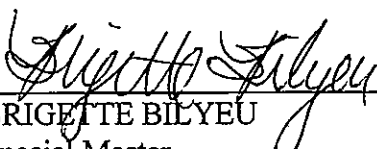
No objections were filed for this water right. This water right, however, is used in combination with water rights 37-115D and 37-2561 which were the subject of *Objections*.

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 these subcases. Water right 37-590A will be recommended consistent with the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records 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 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

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

APR 15 2010

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00590A

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: THERESA L SHERBINE
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.00 CFS

To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.20 cfs of this right, which shall remain undiverted in the Big Wood River.

PRIORITY DATE: 05/01/1886

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	3.80 CFS
	Mitigation	04-15 TO 10-31	0.20 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S05 LOT 4 (SWNW)18.0 LOT 3 (SESW)14.0	
	NESW 40.0 NWSW 40.0	
	SWSW 40.0 SESW 39.0	
	191.0 Acres Total	

Mitigation Within Blaine County
Same as Irrigation

The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 37-115D, 37-590A, and 37-2561.

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

APR 15 2010

Bugella Lilley
SPECIAL MASTER

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Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-00590A

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

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-00590A

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

THERESA L SHERBINE — Rep. by Albert Barker
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313
Phone: 208-788-4846


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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04/15/10