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APR 19 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 16 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

) Subcase 02-7052:
) 02-10222 (Freeberg)
) 02-10223 (USDI/BLM)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended claim 02-7052 to Donald A. Freeberg, 801 N. Brand Boulevard #1010, Glendale, California, 91203, for 5.01 cfs from the Snake River to irrigate 434 acres in Owyhee County from March 15 to November 15 with a priority date of December 18, 1969, based on a license.

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, filed an *Objection* on December 4, 2007, objecting to place of use. On April 9, 2010, Mr. Freeberg and the BLM, with IDWR's concurrence, filed *Standard Forms 5* agreeing to split 02-7052 into 02-10222 (Freeberg) and 02-10223 (USDI/BLM).

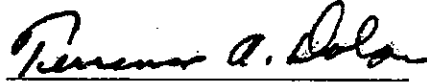
Conclusions of Law

1. The parties are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-10222 and 02-10223*; and
2. The parties are **not** entitled to a water right for claim 02-7052 because the claim has been split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 02-7052 be **disallowed**.

DATED April 16, 2010.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10222

NAME AND ADDRESS: DONALD A FREEBERG
801 N BRAND BLVD #1010
GLENDALE, CA 91203

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.51 CFS
1290.00 AFY

This Right and Right Nos. 57-00177A, 57-00178A, 57-2217A,
57-02221A, 57-07219A, and 57-10469A are limited to a total
combined annual diversion volume of 1955.0 AF.

PRIORITY DATE: 12/18/1969

POINT OF DIVERSION: T03S R01E S16 LOT 4 (SWNW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.51 CFS 1290.00 AFY

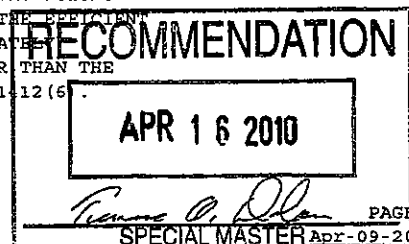
The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:	Irrigation:	Within Owyhee County
	T03S R01E S07 LOT 5 (SWSW) 19.0	
	S18 LOT 1 (NWNW) 26.0	LOT 2 (SWNW) 44.0
		SENE 19.0
		SESE 19.0
	S19 NENE 13.0	
	S20 NENE 35.0	NWNE 17.0
		SENE 22.0
		NWNW 22.0
		SENE 14.0
		SENE 7.0
		NWSE 20.0
	R01W S12 SESE 4.0	
	S13 NENE 11.0	
	391.0 Acres Total	

This right is limited to the irrigation of 258 acres within the
place of use described above in a single irrigation season. This
Right and Right Nos. 57-00177A, 57-00178B, 57-02217A, 02-02221A,
57-07219A, and 57-10469A are limited to the irrigation of a
combined total of 391 acres in a single irrigation season.

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 42-112(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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10223

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.50 CFS
140.00 AFY

This Right and Right Nos. 57-00177B, 57-00178B, 57-02217B,
57-02221B, 57-07219B, and 57-10469B are limited to a total
combined annual diversion volume of 215.0 AF.

PRIORITY DATE: 12/18/1969

POINT OF DIVERSION: T03S R01E S16 LOT 4 (SWNW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.50 CFS 140.00 AFY

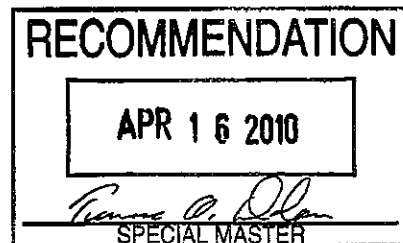
The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Owyhee County
	T03S R01E S17	SWSW 0.6 SESE 10.8
	S18	SWNE 0.3 NENW 0.2
	LOT 3	(NWSW) 8.0
	S20	NWSW 23.1
	43.0 Acres Total	

This right is limited to the irrigation of 28 acres within the
place of use described above in a single irrigation season.
This Right and Right Nos. 57-00177B, 57-00178B, 57-02221B,
57-07219B, and 57-10469B are limited to the irrigation of a
combined total of 43 acres in a single irrigation season.

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	
APR 16 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

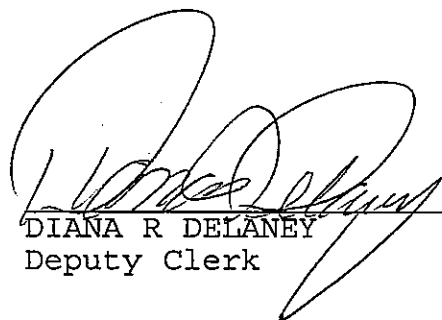
Water Right(s): 02-07052
02-10222 02-10223

On April 16, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

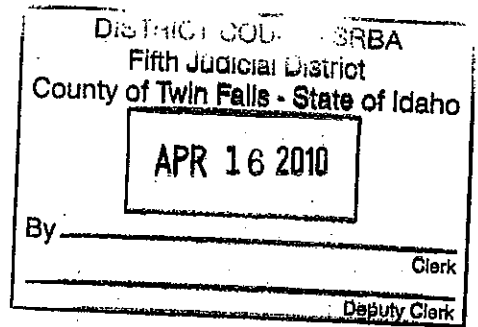
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 16, 2010.



DIANA R DELANEY
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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 02-07052

02-10222 02-10223

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 16, 2010, with sufficient first-class postage prepaid to the following:

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

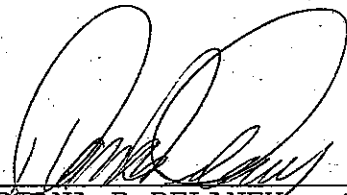
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CRAIG BAKER
COURTESY COPY
PO BOX 127
MURPHY, ID 83650
Phone: 208-834-2533

CERTIFICATE OF MAILING

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04/16/10

DONALD A FREEBERG
801 N BRAND BLVD #1010
GLENDALE, CA 91203
Phone: 818-247-3681



DIANA R DELANEY
Deputy Clerk