

DEPARTMENT OF  
WATER RESOURCES

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

MAY - 3 2010

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

**WATER RIGHT NO.: 37- 21116**

## Page 1

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

MAY - 3 2010

In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 37-21116

By \_\_\_\_\_ Clerk  
Deputy Clerk

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MAY 05 2010

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: JOHN MILEY  
PO BOX 3010  
HAILEY, ID 83333  
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER  
QUANTITY: 0.026 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-8819. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.026 cfs of this right, which shall remain undiverted in the Big Wood River. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 37-8819. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 37-8819 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 03/24/1883  
POINT OF DIVERSION: T03N R18E S20 SWNW Within Blaine County  
PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Mitigation 04-15 TO 10-31 0.026 CFS  
PLACE OF USE: Mitigation Within Blaine County  
T02N R18E S10 SWNW

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.

RECOMMENDATION

MAY 03 2010

*Eric J. Wildman*  
SPECIAL MASTER

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

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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| MAY - 3 2010                                                                            |                       |
| By _____                                                                                | Clerk<br>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

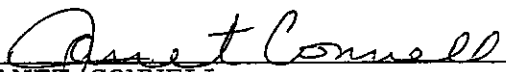
Water Right(s) : 37-21116

On May 03, 2010, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) - 37-21116 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 May 03, 2010.

  
JANET CONNELL  
Deputy Clerk

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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| MAY - 3 2010                                                                            |
| By _____<br>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): 37-21116

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 May 03, 2010, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:

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

CERTIFICATE OF MAILING

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05/03/10

BIG WOOD CANAL COMPANY

Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

JOHN MILEY

Represented by:  
JAMES P. SPECK  
SPECK & AANESTAD  
120 EAST AVENUE  
PO BOX 987  
KETCHUM, ID 83340  
Phone: 208-726-4421

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk