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MAY 06 2010

DEPARTMENT OF
WATER RESOURCES

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

MAY - 5 2010

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

) AMENDED SPECIAL MASTER'S
) REPORT AND RECOMMENDATION;
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
)
) FOR WATER RIGHT: 37-2780
)

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.

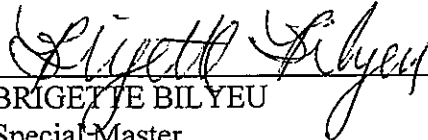
An *Objection* was filed by Gary and Helen DeMoss on March 10, 2006. The *Objection* was resolved on July 17, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

After the *Special Master's Report and Recommendation* was issued for this right, the claimant notified the Court that the *Special Master's Report and Recommendation* contained a clerical error. This *Amended Special Master's Report and Recommendation* corrects that clerical error.

II. CONCLUSIONS OF LAW

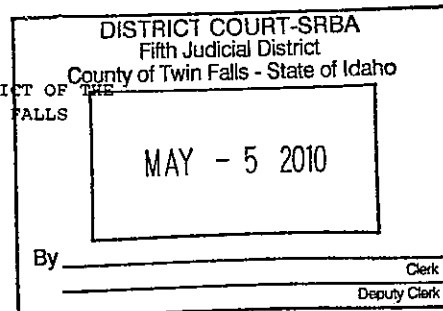
Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: May 5, 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 37-02780

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

SOURCE: DRY CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 157.00 CFS
905.00 AFY

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All storage uses described by rights 37-856, 37-857, 37-2778,
37-2780 and 37-7754 when combined shall not exceed the reservoir
storage capacity of 4365 acre-feet.

PRIORITY DATE: 04/13/1954

Pursuant to a call in times of scarcity, the diversion to
storage from November 1 to March 31 is not subject to
curtailment by Water Right Nos. 37-238A, 37-239A, 37-239D,
37-240A, 37-240D, 37-447C, 37-447D, 37-607D, 37-608D, 37-1160,
37-1175, 37-4091, and 37-11131.

POINT OF DIVERSION: T04S R14E S06 SENESE Within Gooding County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	905.00 AFY
	Irrigation from Storage	04-01 TO 10-31	905.00 AFY
	Diversion to Storage	01-01 TO 12-31	157.00 CFS

PLACE OF USE:

Irrigation from Storage		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		SENE 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			

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

This water right is subject to the terms of the Agreement
Between Gary A. and Helen DeMoss and Northside Canal Company
Regarding Water Rights 37-856, 37-2778, 37-2780, 37-7754,
executed October 5, 2007, and recorded in Gooding County, Idaho
on October 19, 2007 (Instrument No. 223865).

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

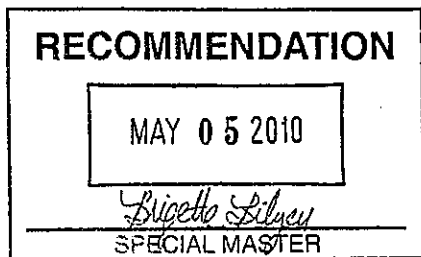
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 5 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

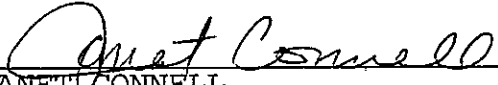
Water Right(s): 37-02780

On May 05, 2010, Special Master BRIGETTE BILYEU
issued a ^{amended} 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 May 05, 2010.


JANET CONNELL
Deputy Clerk

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 5 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): 37-02780

CERTIFICATE OF MAILING

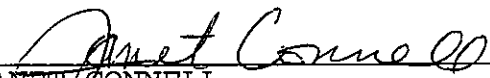
I certify that a true and correct copy of the *Amended* SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 05, 2010, with sufficient first-class postage prepaid to the following:

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

GARY & HELEN DEMOSS
GARY A DE MOSS
HELEN DE MOSS

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

CC: Gary + Helen DEMOSS


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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05/05/10