

RECEIVED

JUN 10 2010

DEPARTMENT OF
WATER RESOURCES

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

JUN - 9 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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 37-00418D,
) 37-00419D, 37-00443, 37-00480B, 37-00637,
) 37-00665H, 37-00666F, 37-00667K,
) 37-00713B, 37-00802, 37-02345A, 37-02684,
) and 37-11671

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

No objections were filed to the *Director's Report* for these water right claims. However, the claims were identified as an uncontested claims that may be affected by the outcome of contested water right claims 37-00353F *et al.* The objections in those subcases have now been resolved.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 37-00418D, 37-00419D, 37-00443, 37-00480B, 37-00637, 37-00665H, 37-00666F, 37-00667K, 37-00713B, 37-00802, 37-02345A, 37-02684, and 37-11671 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated June 9, 2010


Theodore R. Booth
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 37-00418D

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.75 CFS

PRIORITY DATE: 06/23/1888

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.75 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S18	SWNE 40.0 SENE 37.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0 SESE 40.0
	S19	NENE 40.0 NWNE 40.0
	317.0 Acres Total	

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 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

RECOMMENDATION

JUN -9 2010

Lea Booth
SPECIAL MASTER

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 37-00419D

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E. GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.926 CFS

PRIORITY DATE: 08/02/1989

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.926 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S18	SWNE 40.0	SENE 37.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S19	NENE 40.0	NWNE 40.0
317.0 Acres Total		

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 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

RECOMMENDATION

JUN - 9 2010

Red Booth
SPECIAL MASTER

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 37-00443

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 4.00 CFS

PRIORITY DATE: 06/15/1888

POINT OF DIVERSION: T01S R19E S11 SWSENE Within Blaine County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 4.00 CFS

PLACE OF USE: Irrigation Within Blaine County

T01S R19E S12	SWSE 0.3	SESE 0.5
S13	NENE 27.0	NWNE 8.0
	SWNE 3.0	SENE 22.0
R20E S07 LOT 2	(SNNW) 18.0	SENN 44.0
S18	NENN 40.0	NWNN 37.0
	SNNW 37.0	SENN 39.0
	NESW 38.0	NWSW 40.0
	SWSW 33.0	SESW 33.0
419.8 Acres Total		

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 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

RECOMMENDATION

JUN - 9 2010

David B. Smith
SPECIAL MASTER

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 37-00480B

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.50 CFS

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S01	SWSW 40.0	SESW 40.0
S12	NENW 40.0	NWNW 30.0
	NWSE 30.0	
R20E S07	SWNW 7.0	SENW 50.5
S18	NENW 16.0	SENW 5.0
	NESW 6.0	
264.5 Acres Total		

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637, 37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684 and 37-11671 are limited to the irrigation of a combined total of 1528 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

RECOMMENDATION

JUN - 9 2010

Les B. Smith
SPECIAL MASTER

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. 35576)
) Water Right 37-00637

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 3.80 CFS

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T01S R19E S11 SWSENE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.80 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S12	SWSE 0.3	SESE 0.5
S13	NENE 27.0	NWNE 8.0
	SWNE 3.0	SENE 22.0
R20E S07	SWNW 18.0	SENW 44.0
S18	NENW 40.0	NWNW 37.0
	SWNW 37.0	SENW 39.0
	NESW 38.0	NWSW 40.0
	SWSW 33.0	SESW 33.0
	419.8 Acres Total	

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 acres in a single irrigation season.

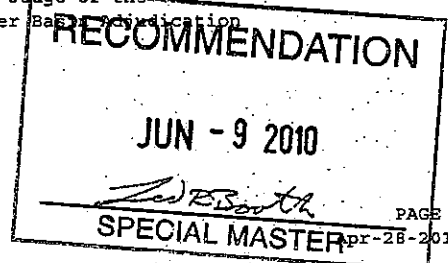
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 37-00665H

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 8.16 CFS

PRIORITY DATE: 10/15/1884

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	8.16 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S28	SESW 30.0
	S33	NWNE 20.0
		SENE 3.0
		NWNW 40.0
		SESW 40.0
	T01S R19E S01	SESW 40.0
	S12	NENW 40.0
		NWSE 30.0
	R20E S07	SESW 50.5
	S18	NENW 16.0
		SESW 5.0
		NESW 6.0
	557.5 Acres Total	

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 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).

RECOMMENDATION

JUN - 9 2010

Lee R. Booth
SPECIAL MASTER

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 37-00666F

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.428 CFS

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.428 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S28	SWSW 37.0	SESW 33.0
S33	NWNE 20.0	SWNE 39.0
	SENE 4.0	NENW 40.0
	NWNW 40.0	SNNW 40.0
	SENW 40.0	
293.0 Acres Total		

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637, 37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684 and 37-11671 are limited to the irrigation of a combined total of 1528 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 Judicial District

RECOMMENDATION

JUN - 9 2010

Eric J. Wildman
SPECIAL MASTER

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 37-00667K

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 8.16 CFS

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	8.16 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S18	SWNE 40.0	SENE 37.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S19	NENE 40.0	NWNE 40.0
S28	SWSW 37.0	SESW 33.0
S33	NWNE 20.0	SWNE 39.0
	SENE 4.0	NENW 40.0
	NWNW 40.0	SWNW 40.0
	SENE 40.0	
610.0 Acres Total		

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637, 37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684 and 37-11671 are limited to the irrigation of a combined total of 1528 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 Regional Court

RECOMMENDATION

JUN - 9 2010

SPECIAL MASTER

PAGE 1

Apr-28-2010

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00713B

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.00 CFS

PRIORITY DATE: 06/10/1880

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S28	SWSW 39.0
	S33	SESW 29.0
		SWNE 12.0
		SENE 3.0
		NENW 39.0
		NWNW 39.0
		SWNW 40.0
	S34	SENE 40.0
		NWSW 15.0
		SWSW 27.0
		SESW 1.0
	284.0 Acres Total	

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637, 37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684 and 37-11671 are limited to the irrigation of a combined total of 1528 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

RECOMMENDATION

JUN - 9 2010

SPECIAL MASTER

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 37-00802

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 5.00 CFS
966.00 AFY

PRIORITY DATE: 04/01/1935

POINT OF DIVERSION: T01S R19E S03 NESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	5.00 CFS 966.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S01	NESW 9.5	NWSW 9.5
	SWSW 38.0	SESW 38.0
S12	NENW 31.0	NWNW 40.0
	SWNW 37.0	SENW 39.0
	NESW 37.0	NWSW 34.0
	SESW 5.0	NWSE 25.0
	SWSE 31.0	SESE 39.0
S13	NENE 34.0	
R20E S07 LOT 2	(SWNW) 37.0	
484.0 Acres Total		

This right is limited to the irrigation of 276 acres within the place of use described above in a single irrigation season. Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637, 37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684 and 37-11671 are limited to the irrigation of a combined total of 1528 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).

RECOMMENDATION

JUN - 9 2010

Lawrence B. Smith
SPECIAL MASTER

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 37-02345A

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.80 CFS

PRIORITY DATE: 02/12/1917

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.80 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S18	SWNE 40.0 SENE 37.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0 SESE 40.0
	S19	NENE 40.0 NWNE 40.0
	317.0 Acres Total	

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 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

RECOMMENDATION

JUN - 9 2010

Joe Booth
SPECIAL MASTER

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 37-02684

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 6.80 CFS
1193.50 AFY

PRIORITY DATE: 10/29/1962

POINT OF DIVERSION: T01N R19E S28 NWSWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	6.80 CFS 1193.50 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S28	SESW 30.0
	S33	SWNE 40.0
		NENW 40.0
		SWNW 40.0
		NESE 5.0
	S34	SWSW 27.0
		SESW 1.0
	341.0 Acres Total	

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 acres in a single irrigation season.

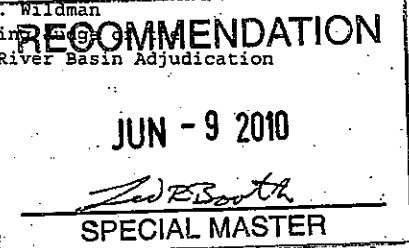
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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 37-11671

NAME AND ADDRESS: KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.38 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE:	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.38 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T01N R19E S18	SWNE 40.0	SENE 37.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S19	NENE 40.0	NWNE 40.0
	S33	NESE 5.0	
	S34	NWSW 15.0	SWSW 27.0
		SESW 1.0	
	365.0 Acres Total		

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 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

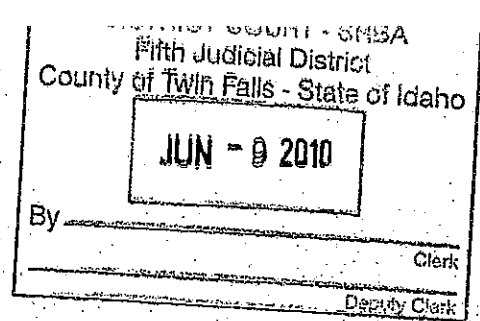
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment 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

RECOMMENDATION

JUN - 9 2010

Eric J. Wildman
SPECIAL MASTER



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

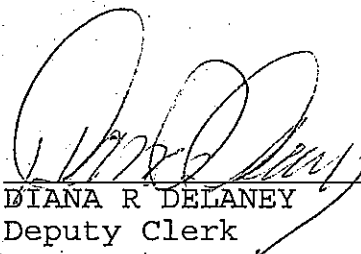
Water Right(s): 37-00418D
(SEE ATTACHED EXHIBIT A)

On June 09, 2010, Special Master THEODORE R. BOOTH 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 June 09, 2010.



DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

37-00418D
37-00419D
37-00443
37-00480B
37-00637
37-00665H
37-00666F
37-00667K
37-00713B
37-00802
37-02345A
37-02684
37-11671

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN - 9 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

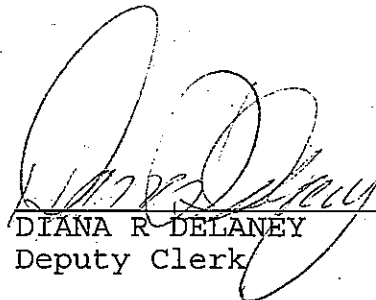
Water Right(s) : 37-00418D
(SEE ATTACHED EXHIBIT A)

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 June 09, 2010, with sufficient first-class postage prepaid to the following:

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

KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333
Phone: 208-788-2568



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

Exhibit A

Subcase Nos.:

37-00418D
37-00419D
37-00443
37-00480B
37-00637
37-00665H
37-00666F
37-00667K
37-00713B
37-00802
37-02345A
37-02684
37-11671