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JUN 10 2010

DEPARTMENT OF
WATER RESOURCES

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 37-00353D

I. FINDINGS OF FACT

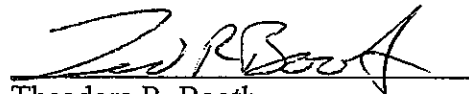
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

No objections were filed to the *Director's Report* for this water right claim. However, the claim was identified as an uncontested claim that may be affected by the outcome of contested water right claims 37-00353F *et al.* On March 23, 2010, IDWR filed an *Amended Director's Report* for this right. No objections were filed to the *Amended Director's Report* and the time for objecting has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 37-00353D be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree 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 37-00353D

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

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.60 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use described for this water right.

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	3.60 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, 37-2345A and 37-11671 Part are limited to the irrigation of a combined total of 317 acres in a single irrigation season for that land in Sec. 18 & 19 known as the Buhler Ranch.

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.

This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.

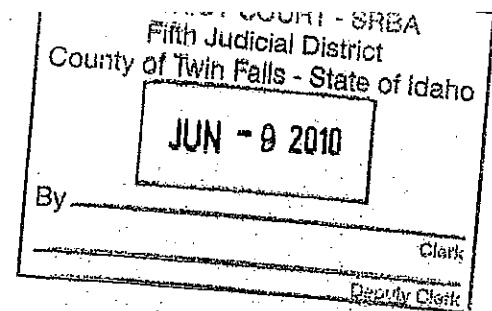
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 B. 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

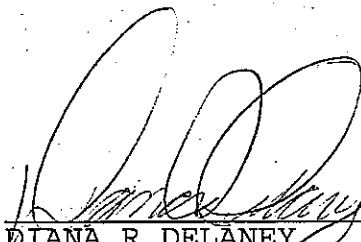
Water Right(s): 37-00353D

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.

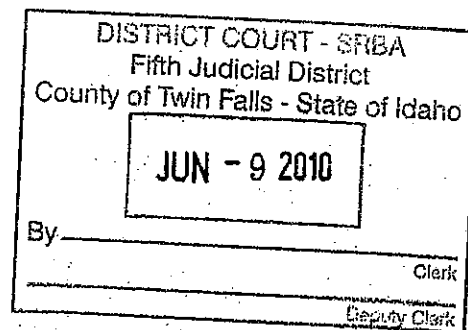
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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



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

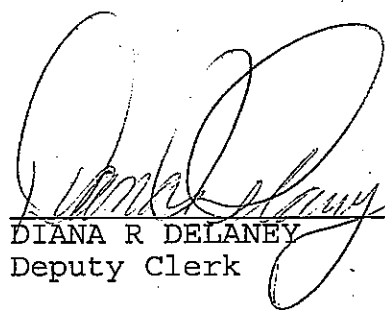
Water Right(s) : 37-00353D

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

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06/09/10