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JUL 20 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 19 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 AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW
)
) WATER RIGHT NOS.: 37-20706 AND
) 37-20708

I. FINDINGS OF FACT

A claim was filed for each of these water rights 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 recommendations for the elements of these water rights.

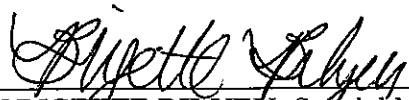
Objections were filed by Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris, (hereafter "Concerned Water Users") and the Big Wood Canal Company.

An Initial Hearing was held on April 28, 2010. The claimants Frank and Janet Nachtman failed to attend. The parties requested a Show Cause Hearing. However, a *Notice of Withdrawal of Objections* was filed by the Concerned Water Users and the Big Wood Canal Company on July 7, 2010. There was no opposition to the withdrawal of the *Objections*. There are no unresolved objections remaining in these subcases. These water rights will be recommended consistent with the *Director's Report*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: July 19, 2010.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

JUL 19 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	)	PARTIAL DECREE PURSUANT TO	
	)	I.R.C.P. 54(b) FOR	
Case No. 39576	)		
_____	)	Water Right 37-20706	

NAME AND ADDRESS: FRANK NACHTMAN
JANET NACHTMAN
PO BOX 966
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.02 CFS
5.00 AFY

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**DEPARTMENT OF
WATER RESOURCES**

The total instantaneous diversion of water from all points of diversion under Rights 37-20706 and 37-20708 shall not exceed 0.09 cfs, nor total combined annual volume of 10.5 af. The pond associated with this approval is limited to 1/2 acre surface area with a total storage volume of 2.0 acre feet. The pond shall be filled with water diverted from the Big Wood River under rights 37-20706 and 37-20708. To the fullest extent possible water diverted from the Big Wood River shall be utilized to maintain the water level of the pond as mitigation for diversion of ground water under Permit 37-20704.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSESW (Rediversion)

This right is measured and administered at the point of rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	04-15 TO 10-31	0.02 CFS
			0.60 AFY
	Commercial Storage	01-01 TO 12-31	4.40 AFY
	Fire Protection	04-15 TO 10-31	0.02 CFS
	Fire Protection Storage	01-01 TO 12-31	4.40 AFY
	Diversion to Storage	04-15 TO 10-31	0.02 CFS

Commercial use is for a dog kennel and training facility. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

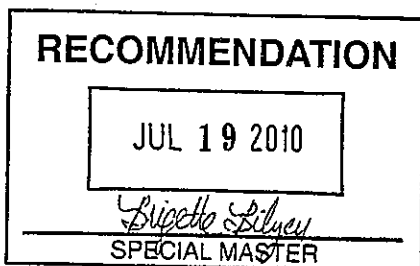
PLACE OF USE:	Commercial	Within Blaine County	
	T01N R18E S36	SWNW	
	Commercial Storage	Within Blaine County	
	T01N R18E S36	SWNW	
	Fire Protection	Within Blaine County	
	T01N R18E S36	SWNW	
	Fire Protection Storage	Within Blaine County	
	T01N R18E S36	SWNW	
	Diversion to Storage	Within Blaine County	
	Same as other use		

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-20708

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: FRANK NACHTMAN
JANET NACHTMAN
PO BOX 966
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.07 CFS
5.00 AFY

The total instantaneous diversion of water from all points of diversion under Rights 37-20706 and 37-20708 shall not exceed 0.09 cfs, nor total combined annual volume of 10.5 af. The pond associated with this approval is limited to 1/2 acre surface area with a total storage volume of 2.0 acre feet. The pond shall be filled with water diverted from the Big Wood River under rights 37-20706 and 37-20708. To the fullest extent possible water diverted from the Big Wood River shall be utilized to maintain the water level of the pond as mitigation for diversion of ground water under Permit 37-20704.

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION: T01N R18E S12 NWSEW Within Blaine County
S25 NWSEW (Rediversion)

This right is measured and administered at the point of rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	04-15 TO 10-31	0.07 CFS
	Commercial Storage	01-01 TO 12-31	4.40 AFY
	Fire Protection	04-15 TO 10-31	0.07 CFS
	Fire Protection Storage	01-01 TO 12-31	4.40 AFY
	Diversion to Storage	04-15 TO 10-31	0.07 CFS

Commercial use is for a dog kennel and training facility. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

PLACE OF USE:	Commercial	Within Blaine County
	T01N R18E S36 SWNW	
	Commercial Storage	Within Blaine County
	T01N R18E S36 SWNW	
	Fire Protection	Within Blaine County
	T01N R18E S36 SWNW	
	Fire Protection Storage	Within Blaine County
	T01N R18E S36 SWNW	
	Diversion to Storage	Within Blaine County
	Same as other use	

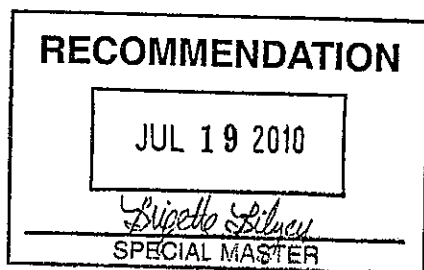
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

OTHER PROVISIONS (continued)

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

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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): 37-20706
37-20708

On July 19, 2010, Special Master BRIGETTE BILYEU
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 July 19, 2010.


JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-20706
37-20708

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 July 19, 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

PAGE 1
07/19/10

BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

FRANK NACHTMAN

JANET NACHTMAN

PO BOX 966

BELLEVUE, ID 83313

Phone: 208-578-7695


JANET CONNELL
Deputy Clerk