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DEC 17 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 16 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

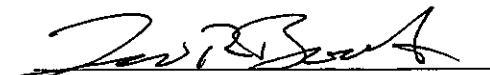
Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION RE: MOTION
) TO SET ASIDE FINAL ORDER
) DISALLOWING WATER RIGHT
) CLAIM
)
) FOR WATER RIGHT 77-10120

A *Final Order Disallowing Water Right Claims* was issued for the above-captioned water right on October 11, 2006. On September 14, 2009, the claimant, Patricia J. Holmberg, filed correspondence with the court seeking to set aside the previously issued order of disallowance. A continued hearing on the *Motion* was held on July 27, 2010. Based upon the comments of the participants at the hearing, and upon the file and record herein, this Special Master finds that the claimant has satisfied the criteria set forth in I.R.C.P. 60(b), and that the SRBA District Court should set aside the previously issued order of disallowance as to this water right claim, and issue a partial decree for the right as recommended herein. In anticipation of the issuance of a partial decree, an *Amended Director's Report* was filed by IDWR on October 6, 2010. Notice of the issuance of the *Amended Director's Report* was published on the Court's docket sheet in November 2010, with an objection period ending November 29, 2010. No objections were filed to the *Amended Director's Report*, and the time for objecting has expired.

Therefore based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court issue a partial decree for water right 77-10120 with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec. 16, 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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 77-10120

NAME AND ADDRESS: PATRICIA J HOLMBERG
PO BOX 7042
BOISE, ID 83707-1042

SOURCE: CROOKED CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.50 CFS

PRIORITY DATE: 07/01/1902

POINT OF DIVERSION: T26N R08E S10 NENE Within Idaho County
SENE
NESE
SESE
S11 NWNW
S15 NENE
SWNE
SENE
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mining	07-01 TO 11-01	1.50 CFS

PLACE OF USE:	Mining		Within Idaho County
	T26N R08E S10	NENE	SENE
		NESE	SESE
	S11	NWNW	
	S15	NENE	SWNE
		SENE	NWSE

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

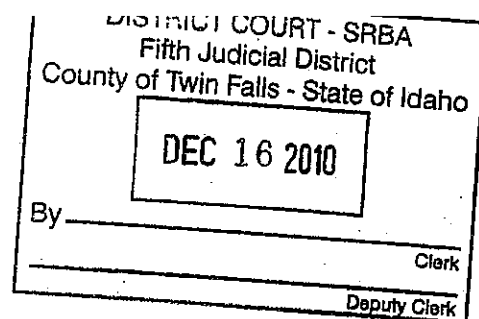
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

DEC 16 2010

Leslie E. 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

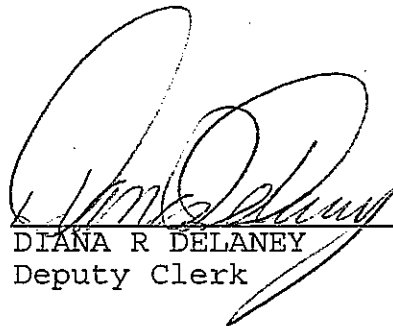
Water Right(s): 77-10120

On December 16, 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 December 16, 2010.



DIANA R. DELANEY
Deputy Clerk

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

DEC 16 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

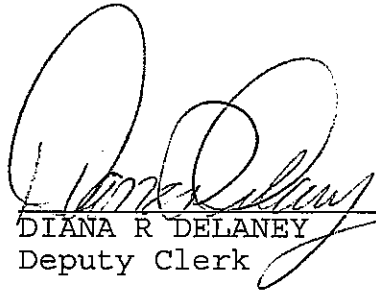
Water Right(s) : 77-10120

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 December 16, 2010, with sufficient first-class postage prepaid to the following:

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

PATRICIA J HOLMBERG
PO BOX 7042
BOISE, ID 83707-1042


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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12/16/10