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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR - 7 2011	
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 47-02257

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.

On September 25, 2007, Ken Mulberry filed an objection to the *Director's Report*, objecting to ownership and place of use of the right. On March 18, 2011, Ken Mulberry, through his attorney William L. Mauk, filed a *Notice of Withdrawal of Objection*. There are therefore no unresolved objections and the water right may be decreed with the elements as set forth in the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 47-02257 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 7, 2011

Theodore R. Booth
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 47-02257

NAME AND ADDRESS: KATHI L MEYERS
ROBERT J MEYERS
3921 N 3300 E
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 0.80 CFS
338.00 AFY

The rights listed below are limited to a total combined
diversion rate of 3.28 cfs. Combined Right Nos.: 47-2257, 47-2468
The rights listed below are limited to a total combined annual
diversion volume of 1,385.8 af. Combined Right Nos.: 47-2257,
47-2468
This right when combined with all other rights shall provide no
more than .02 cfs per acre nor more than 4.0 afa per acre for
irrigation of the lands herein.

PRIORITY DATE: 08/16/1950

POINT OF DIVERSION: T11S R18E S23 NENENW Within Twin Falls County
NESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE:	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS 338.00 AFY

The use of water for irrigation under this right may begin as
early as March 15 and may continue to as late as November 15,
provided other elements of the right are not exceeded. The use
of water before April 1 and after October 31 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Twin Falls County	
	T11S R18E S14	NENW 23.0 SWNW 40.0 NESW 34.0 SWSW 38.0	NWNW 39.0 SENW 23.0 NWSW 40.0 SESW 38.0
	S15	NENE 39.0 SENE 40.0 NWSE 39.0 SESE 35.0	SWNE 40.0 NESE 40.0 SWSE 39.0
	S22	NENE 6.0	SENE 16.0
	S23	NENW 18.0 SWNW 32.0	NWNW 6.0 SENW 1.0
	626.0 Acres Total		

The following rights are limited to the irrigation of 573 acres
within the place of use described above in a single irrigation
season. Right(s): 47-2257, 47-2468

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

If the surface water right(s) appurtenant to the place of use is

OTHER PROVISIONS (continued)

sold, transferred, leased or used on any other place of use, 47-2257 & 47-2468 rights to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this 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

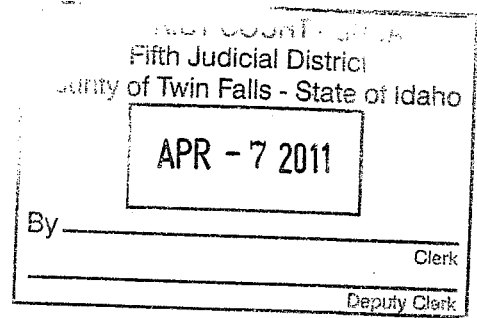
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

APR -7 2011

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

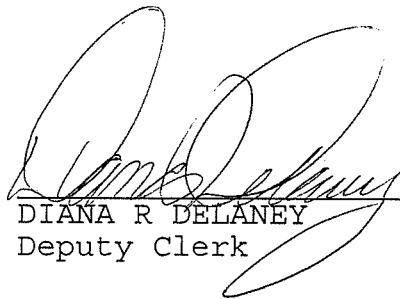
Water Right(s): 47-02257

On April 07, 2011, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

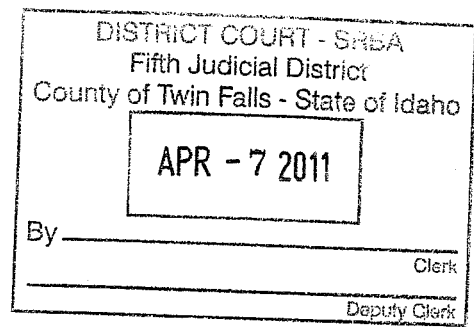
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 07, 2011.



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

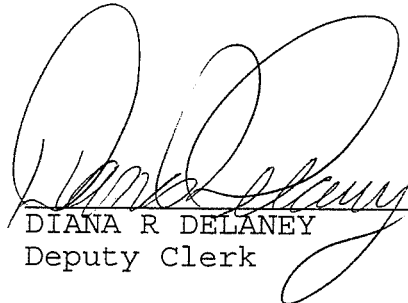
Water Right(s) : 47-02257

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 April 07, 2011, with sufficient first-class postage prepaid to the following:

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

KATHI L MEYERS
ROBERT J MEYERS
Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/07/11