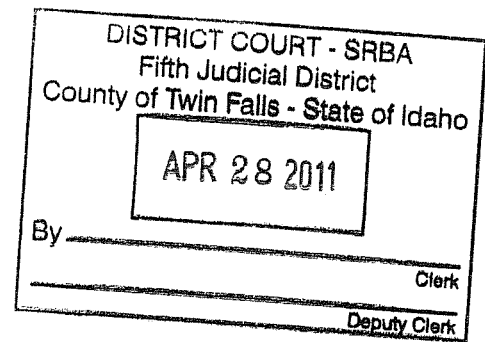


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MAY 02 2011

DEPARTMENT OF
WATER RESOURCES



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
)
) FOR WATER RIGHTS 79-14231
) & 79-14232 (split from 79-02094) and 79-
) 14233 & 79-14234 (split from 79-04001)
)
) RECOMMENDATION OF
) DISALLOWANCE FOR 79-02063,
) 79-02094, and 79-04001

On February 6, 2008, *Partial Decrees* were issued to Killgores Salmon River Fruit Co., for water rights 79-02094 and 79-04001. On January 22, 2009, a *Partial Decree* was issued to Daryl and Linda Mullinix for water right 79-02063. On June 10, 2010, SRBA Presiding Judge Wildman issued an *Order on Permissive Review Granting Motion to Set Aside Partial Decrees and Order of Recommitment to Special Master*, which ordered the setting aside of the *Partial Decrees* for water rights 79-02063, 79-02094, and 79-04001. On April 20, 2001, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* whereby the parties agreed to split water rights 79-02094 and 79-04001, and further the parties agreed to the disallowance of 79-02063. The Idaho Department of Water Resources concurred with the stipulations.

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 79-14231, 79-14232, 79-14233, and 79-14234 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order disallowing 79-02063, 79-02094, and 79-04001 with prejudice.

Dated April 25, 2011


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 79-14231

NAME AND ADDRESS: KILGORES SALMON RIVER
FRUIT CO
3252 WATER FRONT DR
WHITE BIRD, ID 83554

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.27 CFS

Right Nos. 79-14231 and 79-14233 are limited to a total combined
diversion rate of 2.20 cfs and to a total combined annual
diversion volume of 440.0 AF.

PRIORITY DATE: 11/21/1966

POINT OF DIVERSION: T27N R01E S23 LOT 5 (SWNE) Within Idaho County
LOT 6 (SENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-10 TO 11-30	1.27 CFS

PLACE OF USE:	Irrigation	Within Idaho County
	T27N R01E S23	NENE 3.6 LOT 1 (NENE)31.0
		NWNE 5.2 LOT 5 (NWNE) 6.5
		SWNE 1.0 LOT 5 (SWNE)16.7
	LOT 6	(SENE)19.0
	S24	NWNW 1.0 LOT 2 (NWNW)14.0
	LOT 2	(SWNW)12.0
	110.0 Acres Total	

Right Nos. 79-14231 and 79-14233 are limited to the irrigation of
a combined total of 110 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

RECOMMENDATION

APR 28 2011

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 79-14232

NAME AND ADDRESS: DARYL K MULLINIX
LINDA L MULLINIX
521 PARK ST
GRANGEVILLE, ID 83530

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.23 CFS

Right Nos. 79-14232 and 79-14234 are limited to a total combined
diversion rate of 0.40 cfs and to a total combined annual
diversion volume of 80.0 AF.

PRIORITY DATE: 11/21/1966

POINT OF DIVERSION: T27N R01E S23 LOT 5 (SWNE) Within Idaho County
LOT 6 (SENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-30	0.23 CFS

PLACE OF USE:	Irrigation	Within Idaho County
	T27N R01E S23 LOT 5 (SWNE) 0.7	SENE 1.7
	LOT 9 (SENE) 3.8	LOT 9 (NESW) 12.0
	NESW 0.6	LOT 8 (NWSE) 1.3
	20.1 Acres Total	

Right Nos. 79-14232 and 79-14234 are limited to the irrigation of
a combined total of 20.1 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
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Eric J. Wildman
Presiding Judge of the
Snake River Basin

RECOMMENDATION

APR 28 2011

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 79-14233

NAME AND ADDRESS: KILGORES SALMON RIVER
FRUIT CO
3252 WATER FRONT DR
WHITE BIRD, ID 83554

SOURCE: JOE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.20 CFS

Right Nos. 79-14231 and 79-14233 are limited to a total combined
diversion rate of 2.20 cfs and to a total combined annual
diversion volume of 440.0 AF.

PRIORITY DATE: 04/01/1965

POINT OF DIVERSION: T27N R01E S23 NWSW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	2.20 CFS

PLACE OF USE:	Irrigation	Within Idaho County
T27N R01E S23	NENE 3.6 LOT 1 (NENE)31.0	
	NWNE 5.2 LOT 5 (NWNE) 6.5	
	SWNE 1.0 LOT 5 (SWNE)16.7	
LOT 6	(SENE)19.0	
S24	NWNW 1.0 LOT 2 (NWNW)14.0	
LOT 2	(SWNW)12.0	
110.0 Acres Total		

Right Nos. 79-14231 and 79-14233 are limited to the irrigation of
a combined total of 110 acres in a single irrigation season.

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

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Eric J. Wildman

Presiding Judge of the
Snake River Basin

RECOMMENDATION

APR 28 2011

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 79-14234

NAME AND ADDRESS: DARYL K MULLINIX
LINDA L MULLINIX
521 PARK ST
GRANGEVILLE, ID 83530

SOURCE: JOE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.40 CFS

Right Nos. 79-14232 and 79-14234 are limited to a total combined
diversion rate of 0.40 cfs and to a total combined annaul
diversion volume of 80.0 AF.

PRIORITY DATE: 04/01/1965

POINT OF DIVERSION: T27N R01E S23 NWSW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.40 CFS

PLACE OF USE:	Irrigation	Within Idaho County
	T27N R01E S23 LOT 5 (SWNE) 0.7	SENW 1.7
	LOT 9 (SENW) 3.8	LOT 9 (NESW) 12.0
	NESW 0.6	LOT 8 (NWSE) 1.3
	20.1 Acres Total	

Right Nos. 79-14232 and 79-14234 are limited to the irrigation of
a combined total of 20.1 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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

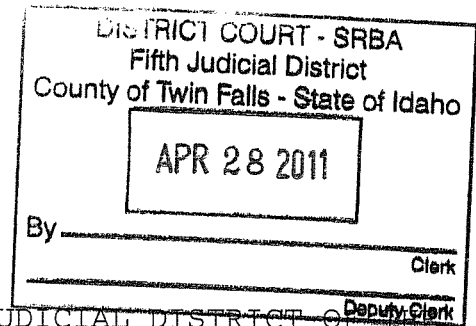
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 28 2011

Les 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

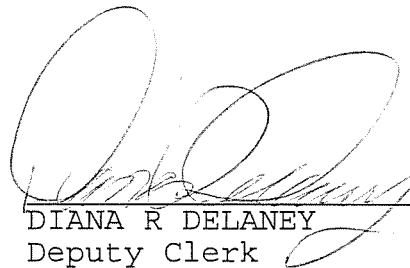
Water Right(s): 79-02063
79-02094 79-04001 79-14231
79-14232 79-14233 79-14234

On April 28, 2011, 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 April 28, 2011.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 28 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 79-02063
79-02094 79-04001 79-14231
79-14232 79-14233 79-14234

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 28, 2011, with sufficient first-class postage prepaid to the following:

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

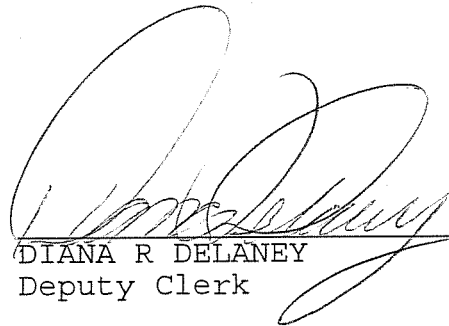
DARYL K MULLINIX
LINDA L MULLINIX
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DARYL K & LINDA L MULLINIX
DARYL K MULLINIX
LINDA L MULLINIX

Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

KILLGORE'S SALMON RIVER
KILLGOES SALMON RIVER

Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591



DIANA R DELANEY
Deputy Clerk