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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| JUL - 6 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

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHT 77-04219A  
) and 77-04219B

I. FINDINGS OF FACT

A notice of claim was filed for water right 77-04219 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 water right 77-04219.

Objections were filed by Kenneth and Tammie Walters and by the United States of America, Department of Interior, Bureau of Land Management. On June 21, 2011, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection, and also split water right 77-04219 into 77-04219A and 77-04219B. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 77-04219A and 77-04219B 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 Court enter a final order disallowing water right number 77-04219.

Dated, July 6, 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 77-04219A

NAME AND ADDRESS: KENNETH R WALTERS  
TAMMIE WALTERS  
PO BOX 31  
RIGGINS, ID 83549

SOURCE: WEST FORK LAKE CREEK TRIBUTARY: LAKE CREEK  
UNNAMED STREAM TRIBUTARY: WEST FORK LAKE CREEK

Points of injection into and points of rediversion from an  
unnamed stream and Shorts Creek.

QUANTITY: 2.48 CFS

Right Numbers 77-4089A and 77-4219A are limited to a total  
combined diversion/rediversion rate of 1.67 cfs at the point of  
diversion/point of rediversion from Shorts Creek in  
T24N, R01E, S23, NENE.

PRIORITY DATE: 09/01/1925

POINT OF DIVERSION: T23N R02E S06 LOT 6 (NWSW ) (Rediversion) Within Idaho County  
LOT 6 (NWSW ) (Injection)  
LOT 6 (NWSW )  
S07 NWSE  
T24N R01E S23 NENE (Rediversion)  
S31 NESW (Injection)

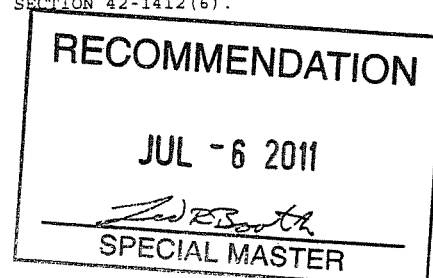
PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 02-15 TO 11-30 2.48 CFS

PLACE OF USE: Irrigation Within Idaho County  
T24N R01E S13 SWNW 7.9 NWSW 3.4  
S14 SWNE 0.7 SENE 4.9  
NESE 21.6 NWSE 13.9  
SWSE 4.2 LOT 14 (SWSE) 1.6  
SESE 0.9 LOT 13 (SESE) 0.7  
59.8 Acres Total

Right Numbers 77-4089A and 77-4219A are limited to the  
irrigation of a combined total of 59.8 acres in a single  
irrigation season.  
Place of use does not include federal public lands.

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).



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.

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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 77-04219B

NAME AND ADDRESS: UNITED STATES OF AMERICA  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: WEST FORK LAKE CREEK TRIBUTARY: LAKE CREEK  
UNNAMED STREAM TRIBUTARY: WEST FORK LAKE CREEK

Points of injection into and points of redirection from an  
unnamed stream and Shorts Creek.

QUANTITY: 0.12 CFS

Right Nos. 77-4089B and 77-4219B are limited to a total  
combined diversion/redirection rate of 0.08 cfs at the point of  
diversion/point of redirection from Shorts Creek in T24N, R01E,  
S23, NENE.

PRIORITY DATE: 09/01/1925

POINT OF DIVERSION: T23N R02E S06 LOT 6 (NWSW ) (Injection) Within Idaho County  
LOT 6 (NWSW )  
LOT 6 (NWSW ) (Rediversion)  
S07 NWSE  
T24N R01E S23 NENE (Rediversion)  
R02E S31 NESW (Injection)

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 02-15 TO 11-30 0.12 CFS

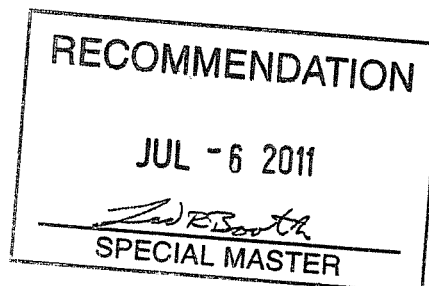
PLACE OF USE: Irrigation Within Idaho County  
T24N R01E S14 LOT 22 (NWSE) 3.0  
3.0 Acres Total

Right Nos. 77-4089B and 77-4219B are limited to the irrigation  
of a combined total of 3.0 acres in a single irrigation season.

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

This water right does not grant any right-of-way or easement  
across the land of another.

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).

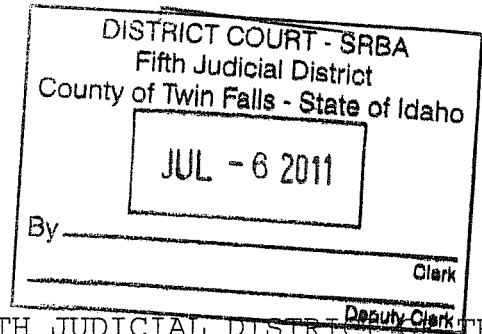


RULE 54(b) CERTIFICATE

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

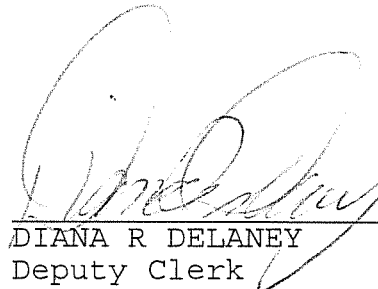
Water Right(s): 77-04219  
77-04219A 77-04219B

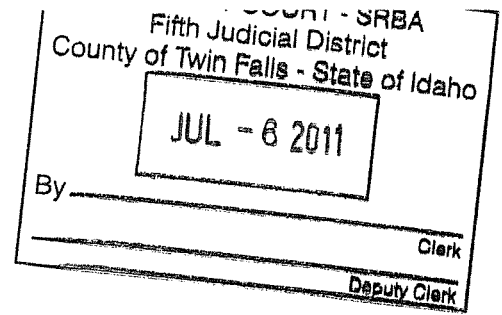
On July 06, 2011, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 July 06, 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): 77-04219  
77-04219A 77-04219B

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 06, 2011, with sufficient first-class postage prepaid to the following:

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

KENNETH R & TAMMIE WALTERS  
KENNETH R WALTERS  
TAMMIE WALTERS

Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702  
Phone: 208-424-7800

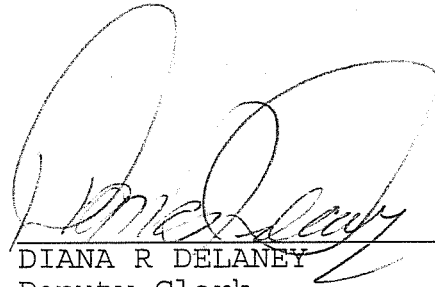
UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
07/06/11

KENNETH R WALTERS  
TAMMIE WALTERS  
PO BOX 31  
RIGGINS, ID 83549

UNITED STATES OF AMERICA  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
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\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk