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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 30 2011	
By _____	Clark
_____	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	)	Subcase 75-4395 (split):
	)	75-14610 (Tyacke)
	)	75-14611 (State of Idaho & Tyacke)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-4395, filed by Michael J. Tyacke, P.O. Box 2156, Idaho Falls, Idaho, 83403, be disallowed: "No beneficial use found."

Mr. Tyacke filed an *Objection* on March 6, 2007, objecting to name and address, point of diversion and the claim not being recommended as filed. IDWR filed an *Amended Director's Report* on February 27, 2009, recommending claim 75-4395 to Mr. Tyacke for 2 cfs from an unnamed stream to irrigate 159.2 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1878, based on beneficial use.

The State of Idaho, Department of Lands, 300 N. 16th Street, Suite 103, P.O. Box 83720, Boise, Idaho, 83720-0050, filed an *Objection* on March 30, 2009, objecting to name and address and place of use. On September 19, 2011, Mr. Tyacke and the State, with IDWR's concurrence, filed *Standard Forms 5* agreeing to split 75-4395 into 75-14610 (Tyacke) and 75-14611 (State and Mr. Tyacke) and disallow 75-4395.

Conclusions of Law

1. Mr. Tyacke is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14610*;
2. Mr. Tyacke and the State are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14611*; and
3. Mr. Tyacke and the State are **not** entitled to a partial decree for claim 75-4395 because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-4395 be **disallowed**.

DATED September 30, 2011.



TERRENCE A. DOLAN
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 75-14610

NAME AND ADDRESS: MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403

SOURCE: UNNAMED STREAM TRIBUTARY: SEVENMILE CREEK

QUANTITY: 1.94 CFS

The rights listed below are limited to a total combined diversion
rate of 2.0 cfs. Combined Right Nos.: 75-14610 and 75-14611.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION: T20N R22E S17 SWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.94 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R22E S32	NWNE 33.0 SWNE 22.0 NENW 25.0 SENW 41.0 NESW 30.0 SESW 3.8
	154.8 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 159.2 acres in a single irrigation season.
Combined Right Nos.: 75-14908, 75-14609, 75-14610 and 75-14611.

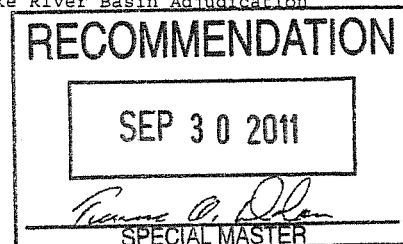
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 75-14611

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE, ID 83720-0050

MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403

SOURCE: UNNAMED STREAM TRIBUTARY: SEVENMILE CREEK

QUANTITY: 0.06 CFS

The rights listed below are limited to a total combined diversion
rate of 2.0 cfs. Combined Right Nos.: 75-14610 and 75-14611.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION: T20N R22E S17 SWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.06 CFS

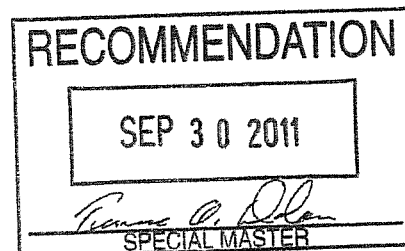
PLACE OF USE: Irrigation Within Lemhi County
T21N R22E S32 NWSE 4.4
4.4 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 159.2 acres in a single irrigation season.
Combined Right Nos.: 75-14608, 75-14609, 75-14610 and 75-14611.

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

The ownership of Water Right No. 75-14611 is governed by a
private agreement executed by the Idaho Department of Lands and
Michael Joseph Tyacke dated July 15, 2010.

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

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 30 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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

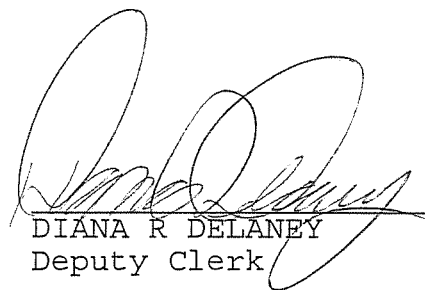
Water Right(s): 75-04395
75-14610 75-14611

On September 30, 2011, Special Master TERRENCE A. DOLAN 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 September 30, 2011.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 30 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): 75-04395
75-14610 75-14611

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 September 30, 2011, with sufficient first-class postage prepaid to the following:

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

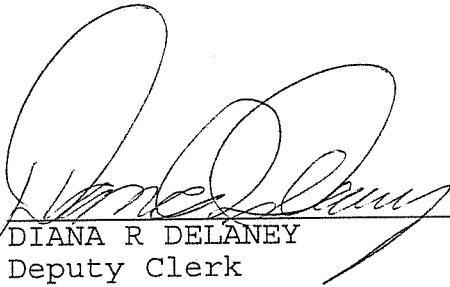
STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO
Represented by:
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
09/30/11

MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403
Phone: 208-526-1601



DIANA R DELANEY
Deputy Clerk