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OCT 31 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 28 2011
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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 21-114C
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

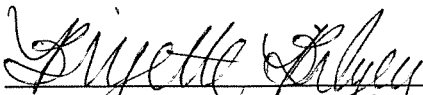
An *Objection* was filed by the United States Bureau of Land Management and Robert and Donna Fuchs. The *Objection* was resolved on November 17, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

Subsequently, IDWR notified the Court that there was a clerical error in the *Standard Form 5*. The point of diversion was incorrectly listed as NWNESE and should have been NENESE. There was no opposition to the correction of the point of diversion by the parties. This *Special Master's Report* will include the corrected point of diversion.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 28, 2011.


BRIGETTE BILYEU, 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

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

OCT 28 2011

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 21-00114C

By _____ Clerk,
Deputy Clerk

NAME AND ADDRESS: DONNA T FUCHS
ROBERT E FUCHS
3857 E 500 N
RIGBY, ID 83442

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 3.50 CFS

The rights listed below are limited to a total combined
diversion rate of 3.5 cfs. Combined Right Nos.: 21-114C, 21-12985.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T09N R43E S35 NENESE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.50 CFS

PLACE OF USE:	Irrigation	Within Fremont County
	T08N R41E S12 LOT 1 (SENE) 31.0	
	R42E S06 LOT 9 (NESW) 21.0	SESW 40.0
		NESE 39.0 LOT 14 (NWSE) 32.0
		SWSE 40.0 SESE 40.0
	S07 NENE 40.0	NWNE 40.0
		NENW 40.0 LOT 1 (NWNW) 27.0
	LOT 2 (SWNW) 30.0	
	420.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 420 acres in a single irrigation season.
Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985,
21-12991

This right is limited to the irrigation of 57 acres within the
place of use described above 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).

RECOMMENDATION

OCT 28 2011

Brigette Lilley
SPECIAL MASTER

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

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)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 21-00114C

On October 28, 2011, Special Master BRIGETTE BILYEU 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 October 28, 2011.



JANET CONNELL
Deputy Clerk

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Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 21-00114C

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

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

DONNA T & ROBERT E FUCHS
DONNA T FUCHS
ROBERT E FUCHS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CERTIFICATE OF MAILING

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10/28/11

DONNA T FUCHS

Represented by:

SCOTT J SMITH

201 E CENTER

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

UNITED STATES OF AMERICA

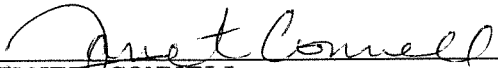
Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724


JANET CONNELL
Deputy Clerk