

DEPARTMENT OF
WATER RESOURCES

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* is **granted in part**, and that an *Amended Partial Decree* be issued with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. The recommended elements are consistent with the NCAP.

DATED: November 1, 2011.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

NOV - 1 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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 21-07362

NAME AND ADDRESS: DGM PROPERTIES LLC
FUNK-DRUSSEL LLC
G&S DEVELOPMENT LLC
WENGREEN DEVELOPMENT LLC
5990 GLEN EAGLES DR
IDAHO FALLS, ID 83401

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
2.80 AFY

PRIORITY DATE: 07/15/1985

POINT OF DIVERSION: T15N R43E S06 NWNW Within Fremont County
NWNW

Two points of diversion are located within NWNW, S06, T15N,
R43E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	05-25 TO 09-30	0.04 CFS 2.80 AFY

PLACE OF USE: Commercial Within Fremont County
T15N R43E S06 NWNW

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.

RECOMMENDATION

NOV 01 2011

Diggett Silvey
SPECIAL MASTER

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON MOTION TO ALTER OR AMEND SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on November 01, 2011, with sufficient first-class postage to the following:

GENE R KANTACK

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

DGM PROPERTIES LLC - *Represented by: Robert L. Harris*

FUNK-DRUSSEL LLC

G&S DEVELOPMENT LLC

WENGREEN DEVELOPMENT LLC

5990 GLEN EAGLES DR

IDAHO FALLS, ID 83401