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DEPARTMENT OF
WATER RESOURCES

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

NOV - 4 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk.
Deputy Clerk

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

) WATER RIGHT NOS.: 22-265E,
) 22-13987 AND 22-13988
)

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-265E 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.

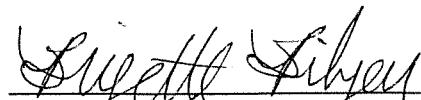
An *Objection* was filed to 22-265E by George Brown. An *Amended Director's Report* was filed on December 30, 2010. The *Amended Director's Report* recommended 22-265E be disallowed and split into assigned right numbers 22-13987 and 22-13988.

Objections were filed to 22-13987 and 22-13988 by DKJ Farms, LLC on February 23, 2011. A *Motion to Permit Late Filing of Objections* was filed by George Brown on September 2, 2011. A hearing was held on the *Motion* on October 5, 2011. DKJ Farms opposed the *Motion* and the *Motion to File Late Objection* was denied. *Order Denying Motion to File Late Objection* (October 21, 2011). These water rights will be recommended consistent with the *Amended Director's Report*.

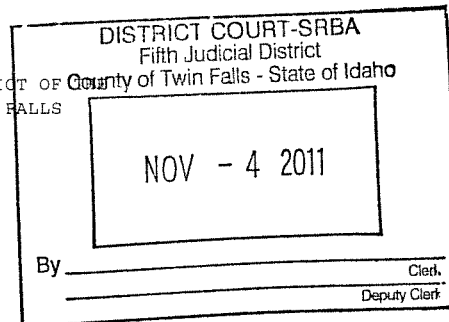
II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-265E **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-13987 and 22-13988 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: November 4, 2011.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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 22-13987

NAME AND ADDRESS: DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG, ID 83440

SOURCE: MOODY CREEK TRIBUTARY: TETON RIVER

QUANTITY: 4.00 CFS

The rights listed below are limited to a total combined diversion rate of 8.00 cfs from 04/01 to 06/20 which is reduced to 7.85 cfs from 06/21 to 10/31. Combined Right Nos.: 22-4195, 22-13479, 22-13987 and 22-13988.

PRIORITY DATE: 03/15/1879

POINT OF DIVERSION: T05N R41E S21 SENW Within Madison County

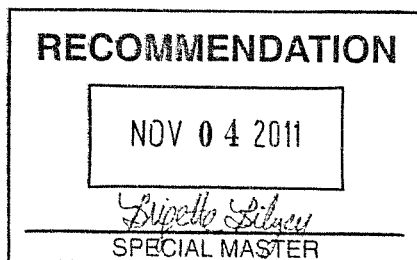
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 06-20	4.00 CFS
	Irrigation	06-20 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Madison County
	T05N R41E S16	SESW 31.0
	S20	NENE 40.0 SWNE 40.0 SWNW 40.0 NESW 40.0 NESE 40.0 S21 NENW 23.0 SWNW 36.0 NWSW 20.0
		NWNE 40.0 SENE 40.0 SENE 40.0 NWSW 36.0 NWSE 40.0 NWNW 39.0 SENE 2.7
	547.7 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 547.7 acres in a single irrigation season. Combined Right Nos.: 22-4195, 22-13479, 22-13987 and 22-13988. This right is limited to the irrigation of 85 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).



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.

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

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

NOV - 4 2011

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13988

By _____ Clerk,
Deputy Clerk

NAME AND ADDRESS: DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG, ID 83440

SOURCE: MOODY CREEK TRIBUTARY: TETON RIVER

QUANTITY: 4.00 CFS
288.00 AFY

The rights listed below are limited to a total combined diversion rate of 8.00 cfs from 04/01 to 06/20 which is reduced to 7.85 cfs from 06/21 to 10/31. Combined Right Nos.: 22-4195, 22-13479, 22-13987 and 22-13988.

PRIORITY DATE: 03/15/1879

POINT OF DIVERSION: T05N R41E S21 SENW Within Madison County

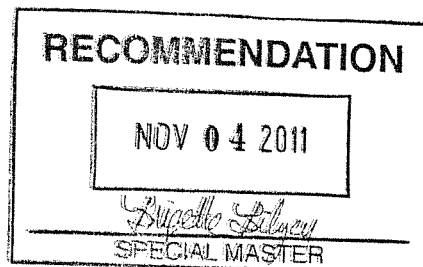
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 06-20	4.00 CFS
	Irrigation	06-20 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Madison County
	T05N R41E S16	SESW 31.0
	S20	NENE 40.0 SWNE 40.0 SWNW 40.0 NESW 40.0 NESE 40.0
	S21	NENW 23.0 SWNW 36.0 NWSW 20.0
		NWNE 40.0 SENE 40.0 SENW 40.0 NWSW 36.0 NWSE 40.0 NWNW 39.0 SENW 2.7
		547.7 Acres Total

This right is limited to the irrigation of 115 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 547.7 acres in a single irrigation season. Combined Right Nos.: 22-4195, 22-13479, 22-13987 and 22-13988.

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 4 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

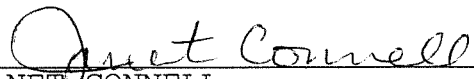
Water Right(s): 22-00265E
22-13987 22-13988

On November 04, 2011, Special Master BRIGETTE BILYEU 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 November 04, 2011.



JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 4 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) : 22-00265E
22-13987 22-13988

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 November 04, 2011, with sufficient first-class postage prepaid to the following:

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

DKJ FARMS
DKJ FARMS LLC
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

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11/04/11

GEORGE BROWN
GEORGE R BROWN
JAMES WOOD

Represented by:
JOSEPH F BROWN
4094 S FEDERAL WAY STE K102
BOISE, ID 83716
Phone: 208-965-2224


JANET CONNELL
Deputy Clerk