

DEPARTMENT OF
WATER RESOURCES

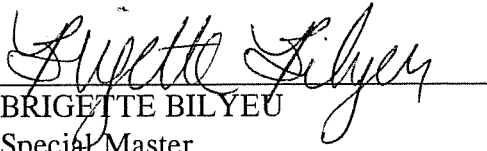
understand the connection until later. Therefore, in order to accurately reflect how this right was used, the ***Partial Decree*** needed to be set aside for this right.

The *Motion to File Late Objection* was **granted**. The *Objection* was resolved with the filing of a *Standard Form 5* on August 31, 2011. All parties to the subcase and IDWR are signatories to the Standard Form 5.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted** and that water right 22-13211 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*.

Dated: November 10, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13211

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 10 2011
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: DON LE ROY MILLER
1835 TETON VIEW DR
REXBURG, ID 83440

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

SOURCE: PARADISE SPRING TRIBUTARY: TETON RIVER

QUANTITY: 0.17 CFS

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.17 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S30 NENW 9.7 LOT 1 (NWNW) 2.1
11.8 Acres Total

Right Nos. 22-13211 and 22-11537 are limited to the irrigation of a combined total of 11.8 acres in a single irrigation season. This right is limited to the irrigation of 8.5 acres within the place of use described above in a single irrigation season.

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

For purposes of administration during times of scarcity, this water right shall not be permitted to make a delivery call in excess of 7.6 acres and/or 0.17 cfs.

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 10 2011
<i>Eric J. Wildman</i> SPECIAL MASTER

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