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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 31 2012                                                                               |              |
| 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     | ) | Subcase 75-4393 (75-14608 & 75-14609) |
|                | ) | (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 the claim to Michael J. Tyacke, P.O. Box 2156, Idaho Falls, Idaho, 83403, for 2 cfs from Hyde Creek for year-'round irrigation from storage and and stockwater and 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 filed an *Objection* on October 10, 2007, objecting to name and address and place of use. Mr. Tyacke was granted leave to amend his claim on December 17, 2008, and on February 27, 2009, IDWR filed its *Amended Director's Report* splitting the claim into 75-4393 and 75-4395.

The State filed another *Objection* on March 30, 2009, objecting to name and address and place of use. On January 30, 2012, Mr. Tyacke and the objectors, with IDWR's concurrence, filed *Standard Forms 5* agreeing to disallow 75-4393 and split the right into 75-14608 and 75-14609.

**Conclusions of Law**

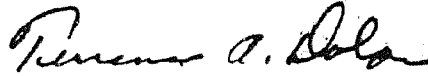
1. Mr. Tyacke is **not** entitled to a partial decree for claim 75-4393; and

2. Mr. Tyacke is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14608 and 75-14609*.

**Recommendation**

THEREFORE, IT IS RECOMMENDED that claim 75-4393 be **disallowed**.

DATED January 31, 2012.



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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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 75-14609

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: HYDE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.09 CFS  
0.08 AFY

The rights listed below are limited to a total combined diversion  
rate of 2.0 cfs. Combined Right Nos.: 75-14608 and 75-14609.  
Right Nos. 74-14608 and 75-14609 are limited to a total combined  
annual volume of 3.0 AF for irrigation storage.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION: T20N R22E S05 SWNE Within Lemhi County  
T21N R22E S32 SESW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------------|-------------------------|----------------|----------|
|                               | Irrigation              | 04-01 TO 10-31 | 0.09 CFS |
|                               | Irrigation from Storage | 04-01 TO 10-31 | 0.08 AFY |
|                               | Irrigation Storage      | 01-01 TO 12-31 | 0.08 AFY |

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.  
Right Nos. 75-14608 and 75-14609 are limited to the irrigation  
of a combined total of 159.2 acres in a single irrigation  
season.

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

The operation, use and administration of this water right is  
subject to a private water agreement effective December 21, 2011,  
between Sunset Heights Water District, Cecil and Judith Bailey  
Jackson, Michael Tyacke, and the State of Idaho, and recorded in  
the Lemhi County Recorder's Office as Instrument No. 288625.  
The ownership of water right no. 75-14609 is governed by a  
private agree executed by the Idaho Department of Lands and  
Michael Joseph Tyacke dated July 15, 2010.

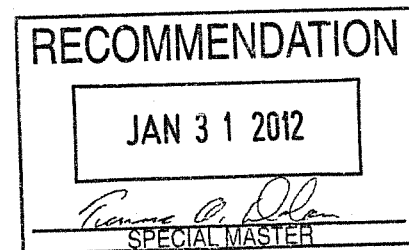
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

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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 75-14608

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

SOURCE: HYDE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.94 CFS  
2.92 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.  
The rights listed below are limited to a total combined diversion rate of 2.0 cfs and to a total combined annual volume of 3.0 AF for irrigation storage. Combined Right Nos.: 75-14608 and 75-14609.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION: T20N R22E S05 SWNE Within Lemhi County  
T21N R22E S32 SESW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|----------------------------|-------------------------|----------------|----------|
|                            | Irrigation              | 04-01 TO 10-31 | 1.94 CFS |
|                            | Irrigation from Storage | 04-01 TO 10-31 | 2.92 AFY |
|                            | Stockwater              | 01-01 TO 12-31 | 0.40 CFS |
|                            | Irrigation Storage      | 01-01 TO 12-31 | 2.92 AFY |

| 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

|  | Irrigation from Storage | 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

|  | Stockwater    | Within Lemhi County |
|--|---------------|---------------------|
|  | T21N R22E S32 | NESW                |

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. Right Nos. 75-14608 and 75-14609 are limited to the irrigation of a combined total of 159.2 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.  
The operation, use and administration of this water right is subject to a private water agreement effective December 21, 2011, between Sunset Heights Water District, Cecil and Judith Bailey

OTHER PROVISIONS (continued)

Jackson, Michael Tyacke, and the State of Idaho, and recorded in the Lemhi County Recorder's Office as Instrument No. 288625.

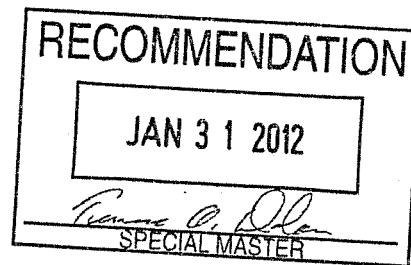
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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 |       |
| JAN 31 2012                           |       |
| 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

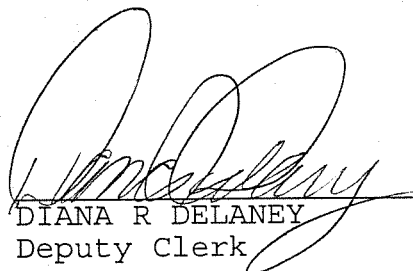
Water Right(s): 75-04393  
75-14608 75-14609

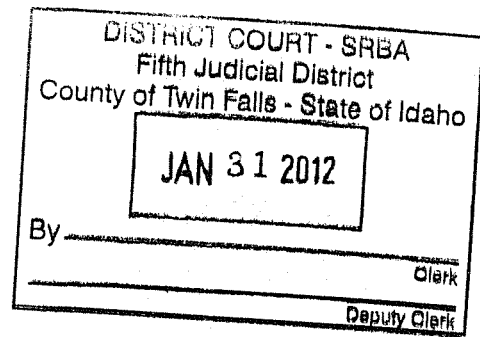
On January 31, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 January 31, 2012.

  
DIANA R DELANEY  
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): 75-04393  
75-14608 75-14609

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 January 31, 2012, with sufficient first-class postage prepaid to the following:

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

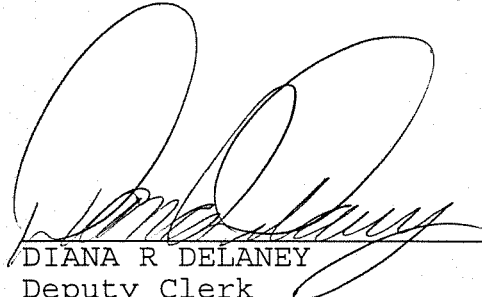
STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
JRW BUILDING, SECOND FLOOR  
700 W STATE ST, PO BOX 44449  
BOISE, ID 83711-4449  
Phone: 208-334-2400

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

CERTIFICATE OF MAILING

THE COURT

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



DIANA R DELANEY  
Deputy Clerk