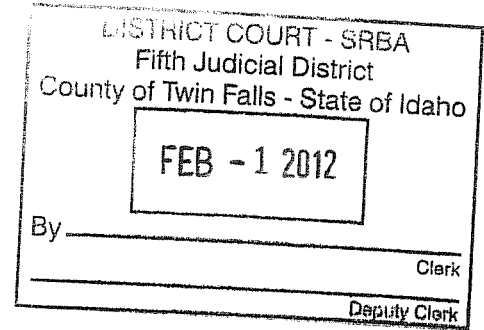


RECEIVED
FEB 02 2012
DEPARTMENT OF
WATER RESOURCES



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 36-29B
	)	(Petersen)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

On June 18, 2002, former SRBA Presiding Judge Roger Burdick entered an amended *Partial Decree* for water right 36-29B to Danny, Evelyn and Brian Petersen, P.O. Box 614, Wendell, Idaho, 83355, for 1 cfs from Three Springs for year-'round domestic use and to irrigate 35 acres in Gooding County from February 15 to November 30 with a priority date of February 17, 1896.

On November 7, 2011, Danny T. Petersen wrote a letter to the Court pointing to an error in the decreed place of use – T 7S, R 13E, § 24 should be T 7S, R 13E, § 30. He wrote that "Computer input brought the error to the attention of IDWR who alerted us."

A hearing on the Petersens' motion to set aside and amend the amended *Partial Decree* was held on January 26, 2010. Danny and Evelyn Petersen appeared by telephone conference *pro se* and Nicholas B. Spencer appeared for IDWR, along with Doug Jones. IDWR agreed the place of use legal description should be changed as requested.

Conclusions of Law

The Petersens have shown good cause to have the amended *Partial Decree* set aside and amended.

Recommendation

THEREFORE, IT IS RECOMMENDED that the June 18, 2002, amended *Partial Decree* be set aside and amended as described in the attached proposed *2nd Amended Partial Decree* for water right 36-29B.

DATED February 1, 2012.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan". The signature is fluid and cursive, with the first name being the most prominent.

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00029B

NAME AND ADDRESS: DANNY T PETERSEN
PO BOX 192
HAGERMAN, ID 83332

EVELYN M PETERSEN
PO BOX 192
WENDELL, ID 83332

BRIAN PETERSON
PO BOX 614
WENDELL, ID 83355

SOURCE: THREE SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.00 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 0.70 CFS IS
SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH
PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

PRIORITY DATE: 02/17/1896

POINT OF DIVERSION: T07S R14E S30 SESENW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
	Irrigation	02-15 TO 11-30	1.00 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 0.70 CFS IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF
DECEMBER 31, 1999 OR EARLIER.

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S24	SESW 35.0	
	35.0 Acres Total		
	Domestic		Within Gooding County
	T07S R13E S24	SESW	

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

THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR
OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE EITHER
DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION
FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999. THIS SUBORDINATION SHALL RUN WITH AND BE
PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND THE ASSOCIATED
LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF
THIS WATER RIGHT IS TRANSFERRED.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

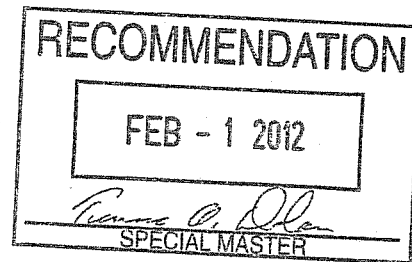
OTHER PROVISIONS (continued)

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	
FEB - 1 2012	
By _____	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

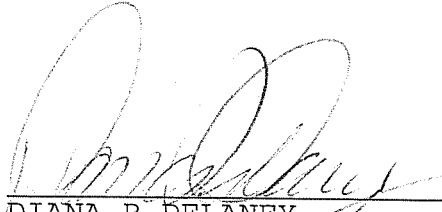
Water Right(s): 36-00029B

On February 01, 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 February 01, 2012.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 1 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00029B

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 February 01, 2012, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

DANNY & BRIAN PETERSEN
EVELYN PETERSEN
P O BOX 614
WENDELL, ID 83355

CERTIFICATE OF MAILING

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02/01/12

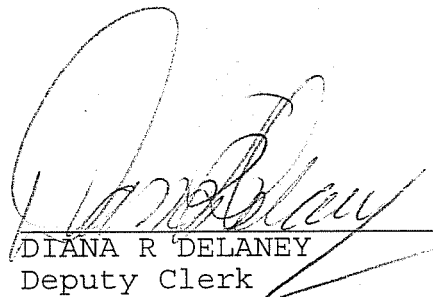
DANNY & EVELYN PETERSON
PO BOX 132
WENDEN, AZ 85357

DANNY T PETERSEN
DANNY T PETERSON
PO BOX 192
HAGERMAN, ID 83332
Phone: 208-539-3579

EVELYN M PETERSEN
PO BOX 192
WENDELL, ID 83332

BRIAN PETERSON
PO BOX 614
WENDELL, ID 83355

NORTH SNAKE GROUND WATER DIST
2092 EAST 3600 SOUTH
WENDELL, ID 83355
Phone: 208-536-6553



DIANA R DELANEY
Deputy Clerk