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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAY 16 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 75-14180
	)	(Sunset Heights Water District)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

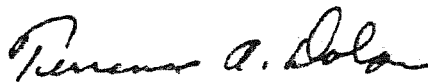
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75*, on January 11, 2007. The Director recommended the claim to the Sunset Heights Water District, P.O. Box 4, Salmon, Idaho, 83467, for .4 cfs from the South Fork Sevenmile Creek to irrigate 145 acres in Lemhi County from April 1 to October 31 with a priority date of June 6, 1895, based on beneficial use.

Cecil Jackson filed an *Objection* on April 4, 2007, alleging the water right should not exist. Sunset Heights filed its *Objection* on August 21, 2007, objecting to priority date. Sunset Heights was granted leave to amend its claim on September 30, 2011, and it filed the amended claim on October 3, 2011. IDWR filed its *Amended Director's Report* on January 30, 2012, and no one objected.

Conclusions of Law

Sunset Heights Water District is entitled to a partial decree adjudicating a water right as described in IDWR's *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14180*.

DATED May 16, 2012.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14180

NAME AND ADDRESS: SUNSET HEIGHTS WATER DIST
PO BOX 4
SALMON, ID 83467

SOURCE: SOUTH FORK SEVENMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/06/1895

POINT OF DIVERSION: T20N R22E S20 NENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R22E S32	NWNE 33.0 SWNE 22.0 NENW 25.0 SENE 41.0 NESW 30.0 SESW 3.8 NWSE 4.4
	159.2 Acres Total	

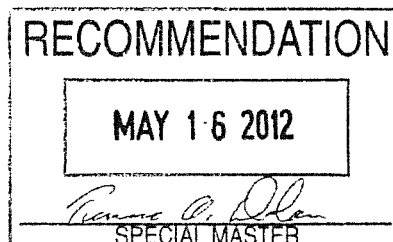
Right Nos. 75-14608, 75-14609, 75-14610, 75-14611 and 75-14180
are limited to the irrigation of a combined total of 159.2 acres
in a single irrigation season.

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 right 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 nos. 75-14609 and 75-14611 is
governed by a private agreement executed by the Idaho Department
of Lands and Michael Tyacke dated July 15, 2010.

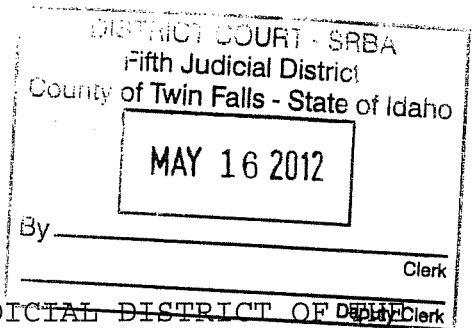
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).



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.

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO
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

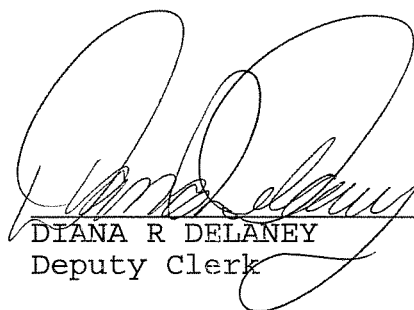
Water Right(s): 75-14180

On May 16, 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 May 16, 2012.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 16 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): 75-14180

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 May 16, 2012, with sufficient first-class postage prepaid to the following:

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

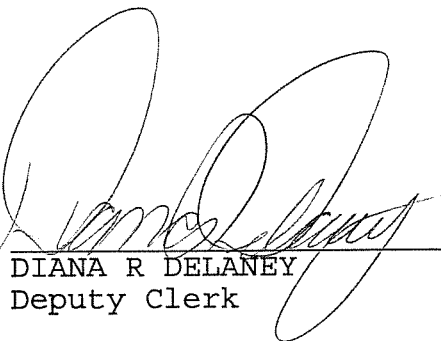
SUNSET HEIGHTS WATER DIST
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CECIL JACKSON
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

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MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403
Phone: 208-520-8083



DIANA R DELANEY
Deputy Clerk