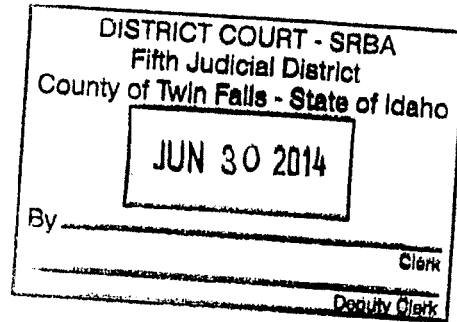


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JUL 03 2014

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

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 72-16782
) & 72-16783

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

On February 22, 2013, the claimants David Wayne Baker and Melodie L. Baker, through their attorney Daniel V. Steenson, filed an objection to the *Director's Report* for 72-16782. No objections were filed to 72-16783 but it was identified as an uncontested right that may be effected by a contested matter. On June 25, 2014, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 72-16782 and 72-16783 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

June 30, 2014

Theodore R. Booth
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 72-16782

NAME AND ADDRESS: DAVID WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON, ID 83227

SOURCE: EAST FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 52.86 CFS

Right Nos. 72-196, 72-197, 72-199, 72-200 and 72-16782 are limited to a maximum combined diversion rate of 17.00 cfs at the East Fork-11 Diversion in T09N, R18E, S05, NENW, Lot 3. Right Nos. 72-224, 72-225 and 72-16782 are limited to a maximum combined diversion rate of 15.00 cfs at the East Fork-3 Diversion in T10N, R18E, S12, SWNE. Right Nos. 72-199, 72-200, 72-202F and 72-16782 are limited to a maximum combined diversion rate of 23.80 cfs at the East Fork-12 Diversion in T10N, R18E, S31, SWSE. Right Nos. 72-201C, 72-201F, 72-202A, 72-202D, 72-202E, 72-202G and 72-16782 are limited to a maximum combined diversion rate of 7.84 cfs at the East Fork-13 Diversion in T10N, R18E, S31, SWSW.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T09N R18E S05 LOT 3 (NENW) Within Custer County
T10N R18E S12 SWNE
S31 SWSW
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	52.86 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T09N R18E S04 LOT 1 (NENE) 8.8	LOT 2 (NWNE) 12.0
	LOT 4 (NWNW) 2.1	
	S05 LOT 4 (NWNW) 2.4	
	S06 LOT 1 (NENE) 6.6	LOT 2 (NWNE) 4.8
	LOT 3 (NENW) 0.5	
	T10N R18E S31 SESE 12.0	SWSE 5.7
	S32 SWSW 15.0	SESE 22.0
	SESE 20.0	SESE 22.0
	S33 LOT 4 (SWSW) 15.0	LOT 5 (SESE) 10.3
	LOT 6 (SWSE) 8.2	
	T11N R18E S35 NESW 16.0	NWSE 33.4
	SWSE 25.0	SESE 18.0
	262.8 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 262.8 acres in a single irrigation season. Combined Right Nos.: 72-196, 72-197, 72-199, 72-200, 72-201C, 72-201F, 72-202A, 72-202D, 72-202E, 72-202F, 72-202G, 72-224, 72-225 and 72-16782.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

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

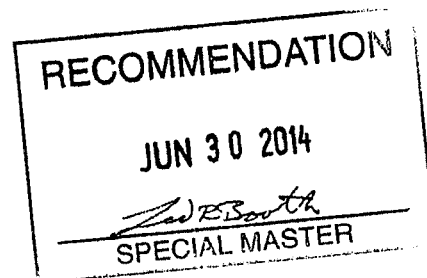
OTHER PROVISIONS (continued)

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



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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 72-16783

NAME AND ADDRESS: DAVID WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON, ID 83227

SOURCE: BIG LAKE CREEK TRIBUTARY: EAST FORK SALMON RIVER

QUANTITY: 5.30 CFS

Right Nos. 72-198 and 72-16783 are limited to a total combined
diversion rate of 6.80 cfs.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T09N R18E S31 NWSE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.30 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T10N R18E S32	SWSW 7.9 SESW 12.0
		SWSE 11.0 SESE 6.3
	S33 LOT 4	(SWSW)10.0 LOT 4 (SESW) 2.0
	49.2 Acres Total	

Right Nos. 72- 198 and 72-16783 are limited to the irrigation of
a combined total of 49.2 acres 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).

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

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WATER RESOURCES

RECOMMENDATION

JUN 30 2014

Eric J. Wildman
SPECIAL MASTER

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JUL 03 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 30 2014	
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

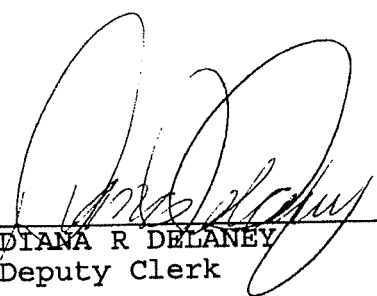
Water Right(s): 72-16782
72-16783

On June 30, 2014, Special Master THEODORE R. BOOTH 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 June 30, 2014.


DIANA R DELANEY
Deputy Clerk

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JUL 03 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 30 2014	
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): 72-16782

72-16783

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 July 01, 2014, with sufficient first-class postage prepaid to the following:

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

DAVID WAYNE & MELODIE L BAKER
DAVID WAYNE BAKER
MELODIE L BAKER

Represented by:
DANIEL V STEENSON
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707
Phone: 208-629-7447


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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06/30/14