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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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 72-16786
) & 72-16787

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 Cheryl K. Baker and Richard D. Baker, through their attorney Daniel V. Steenson, filed objections to the *Director's Report*. On March 22, 2013, the United States of America, Department of Interior, Bureau of Land Management filed an objection. On June 25, 2014, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

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 72-16786 and 72-16787 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 72-16786

NAME AND ADDRESS: CHERYL K BAKER
RICHARD DOUGLAS BAKER
HC 68 PO BOX 350
CLAYTON, ID 83227

SOURCE: EAST FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 8.57 CFS

Right nos. 72-193B, 72-2095 and 72-16786 are limited to a maximum combined diversion rate of 3.51 cfs at the East Fork-7/8 Diversion in T10N, R18E, S35, SWNESW. Right nos. 72-193B, 72-194 and 72-16786 are limited to a maximum combined diversion rate of 8.50 cfs at the East Fork-9 Diversion in T09N, R18E, S03, SENWNW, Lot 4.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T09N R18E S03 LOT 4 (SENWNW) Within Custer County
T10N R18E S35 SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	8.57 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T09N R18E S03 LOT 1 (NENE) 0.8	LOT 2 (NWNE) 7.9
	T10N R18E S34 SESE 14.0	
	S35 SWNE 3.3	SENE 6.4
	NESW 3.9	SWSW 10.0
	46.3 Acres Total	

Right Nos. 72-191, 72-193B, 72-194, 72-2095 and 72-16786 are limited to the irrigation of a combined total of 55.1 acres in a single irrigation season.
Place of use does not include federal public lands.

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).

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RECOMMENDATION

JUN 30 2014

Red B. Booth
SPECIAL MASTER

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 72-16787

NAME AND ADDRESS: CHERYL K BAKER
RICHARD DOUGLAS BAKER
HC 68 PO BOX 350
CLAYTON, ID 83227

SOURCE: HERD CREEK TRIBUTARY: EAST FORK SALMON RIVER

QUANTITY: 6.40 CFS

Right Nos. 72-190 and 72-16787 are limited to a maximum combined diversion rate of 3.40 cfs at the Herd Creek-1 Diversion in T10N, R18E, S35, NESESE.
Right Nos. 72-190 and 72-16787 are limited to a maximum combined diversion rate of 3.40 cfs at the Herd Creek-2 Diversion in T10N, R18E, S35, SESWNE.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T10N R18E S35 SESWNE Within Custer County
NESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.40 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T10N R18E S35	NWNE 1.2 SWNE 6.6 NWSE 2.6
	10.4 Acres Total	

Right Nos. 72-190 and 72-16787 are limited to the irrigation of a combined total of 10.4 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).

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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

RECOMMENDATION

JUN 30 2014

SPECIAL MASTER

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WATER RESOURCES

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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): 72-16786

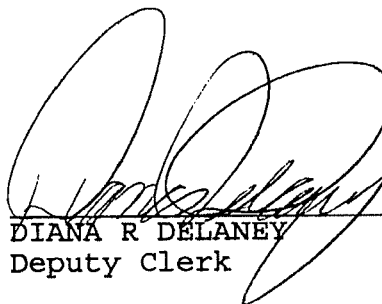
72-16787

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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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-16786
72-16787

CERTIFICATE OF MAILING

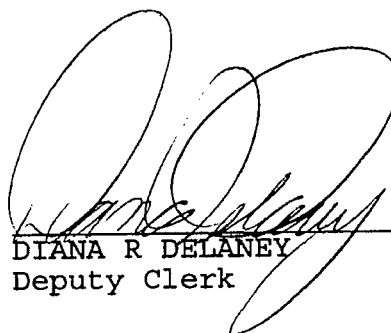
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 01, 2014, with sufficient first-class postage prepaid to the following:

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

CHERYL K BAKER
RICHARD DOUGLAS 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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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06/30/14