

2001 DEC 7 PM 4 06

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 23-00063,
	)	23-00078, 23-00094 and 23-10858

I. FINDINGS OF FACT

Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

No objections were filed for the above listed water rights. These water rights however, are used in combination with water rights 23-50E and 23-104 which were the subject of *Objections*. Those *Objections* were resolved on November 19, 2004. There are no unresolved objections remaining.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: December 7, 2004.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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) : 23-00063, 23-00078,
23-00094, 23-10858

On December 7, 2004, Special Master BRIGETTE BILYEU 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 December 7, 2004.



JANET CONNELL
Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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

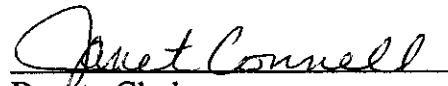
Water Right (s) : 23-00063, 23-00078,
23-00094, 23-10858

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 December 7, 2004, with sufficient first-class
postage prepaid to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, Idaho 83720-0098

Shurtleff Ranches LTD Partnership
399 Hemlock Circle
Idaho Falls, Idaho 83401



Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
TWIN FALLS CO., IDAHO

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 23-10858

FILED

2004 DEC 7 AM 10 24

NAME AND ADDRESS: SHURTLEFF RANCHES LTD
PARTNERSHIP
399 HEMLOCK CIRCLE
IDAHO FALLS, ID 83401

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 5.40 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 13.4 CFS. COMBINED RIGHT
NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.
THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 23-00063, 23-00078,
23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T02N R44E S33 SESESW Within Bonneville County
NWSWSE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	5.40 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R44E S05 LOT 4 (NWNW) 25.0	
	S06 LOT 1 (NENE) 22.0	LOT 2 (NWNE) 37.0
	SWNE 39.0	SENE 26.0
	LOT 3 (NENW) 39.0	SENE 35.0
	NESW 7.5	NESE 30.0
	NWSE 36.0	
	S08 NENE 38.0	NWNE 26.0
	SWNE 11.0	SENE 39.0
	T02N R44E S31 NESW 2.9	LOT 3 (NWSW) 26.0
	LOT 4 (SWSW) 32.0	SESW 36.0
	SWSE 11.0	
	518.4 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078,
23-00080, 23-10858, 23-04043.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 270.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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).

RECOMMENDATION

DEC 07 2004

Shirley L. Lay
SPECIAL MASTER

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication