

2005 JAN 21 PM 1 47

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 ON MOTION TO
	)	SET ASIDE PARTIAL DECREE
Case No. 39576	)	
	)	WATER RIGHT NOS.: 31-4053, 31-4054,
	)	AND 31-4055

I. PROCEDURAL BACKGROUND

The SRBA District Court issued *Partial Decrees of Disallowed Water Right Claims* for water rights 31-4053, 31-4054, and 31-4055 on February 22, 2002. On July 26, 2004, claimant Walker Land and Cattle Company sent a letter to the court requesting that the *Partial Decree of Disallowed Water Right Claims* for these rights be set aside. Presiding Judge John Melanson issued an *Order of Reference to Special Master Brigitte Bilyeu* on July 27, 2004. A hearing on the *Motion* was held on September 7, 2004. The *Motion* was unopposed.

II. FINDINGS

At the hearing, Walker Land and Cattle Company explained that documentation supporting these water rights was gathered in a timely manner by Walker Land & Cattle Co. for the purpose of providing information to IDWR. However, the employee of Walker Land & Cattle Co. responsible for sending the information to IDWR left the company before the information was sent. Additionally, the field agent from IDWR who worked with the Walker Land & Cattle Co. claims left IDWR at the same time. Walker Land & Cattle Co. was unaware that the information had failed to be delivered to IDWR until after the *Partial Decree of Disallowed Water Right Claims* issued. *Order Granting Motion to File Late Objection* (October 15, 2004). The late *Objection* was filed September 21, 2004, and *Standard Forms 5* were filed with the court December 22, 2004.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted** and that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Amended Partial Decrees*, consistent with the *Standard Forms 5* for these subcases.

Dated January 21, 2005.



BRIGETTE BILYEU,
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2005 JAN 21 PM 1 47

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-04055

NAME AND ADDRESS: WALKER LAND & CATTLE CO
PO BOX 129
MENAN, ID 83434

SOURCE: GROUND WATER

QUANTITY: 3.00 CFS
440.30 AFY

PRIORITY DATE: 07/10/1922

POINT OF DIVERSION: T07N R36E S21 SENENE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS 440.30 AFY

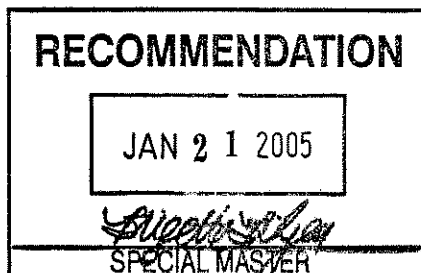
PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R36E S15	NWSW 5.8 SWSW 20.0
	S21	NENE 34.0 NWNE 19.0
	S22	SWNE 22.0 SENE 12.0
	125.8 Acres Total	

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.



John M. Melanson
Presiding Judge of the
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
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-04054

FILED _____

2005 JAN 21 PM 1 48

NAME AND ADDRESS: WALKER LAND & CATTLE CO
PO BOX 129
MENAN, ID 83434

SOURCE: GROUND WATER

QUANTITY: 0.74 CFS
103.60 AFY

PRIORITY DATE: 04/02/1947

POINT OF DIVERSION: T07N R36E S15 NENWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.74 CFS 103.60 AFY

PLACE OF USE: Irrigation Within Jefferson County
T07N R36E S15 NESW 5.6 NWSW 16.0
SWSW 5.3 SESW 2.7
29.6 Acres Total

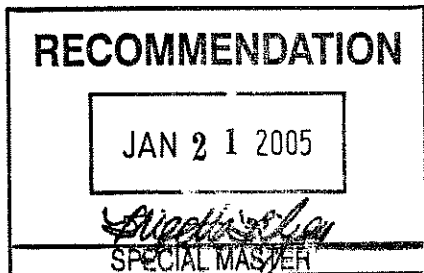
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

John M. Melanson
Presiding Judge of the
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-04053

2005 JAN 21 PM 1 48

NAME AND ADDRESS: WALKER LAND & CATTLE CO
PO BOX 129
MENAN, ID 83434

SOURCE: GROUND WATER

QUANTITY: 0.54 CFS
75.90 AFY

PRIORITY DATE: 03/22/1926

POINT OF DIVERSION: T07N R36E S15 SESESW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.54 CFS 75.90 AFY

PLACE OF USE: Irrigation Within Jefferson County
T07N R36E S15 SWSW 3.7 SESW 18.0
21.7 Acres Total

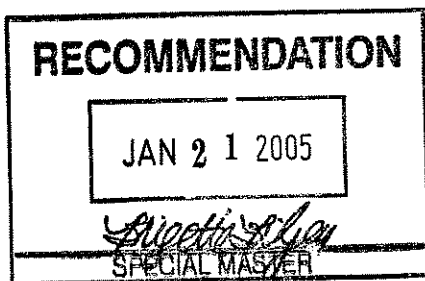
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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



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

2005 JAN 21 PM 1 47

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) : 31-4053, 31-4054,
and 31-4055

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT
AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE was
mailed on January 21, 2005, with sufficient first-class postage prepaid to the following:

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

Walker Land & Cattle Co.
Represented by:
Scott W. Marotz
PO Box 52147
1075 S Utah Ave Ste. 321
Idaho Falls, Idaho 83405-2147


Deputy Clerk