

2007 FEB 23 PM 2: 02

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
OFFICE OF THE

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
	)	
	)	FOR WATER RIGHTS: 21-02045,
	)	21-02102, 21-02104, 21-07075,
	)	21-07076, 21-12538 and 21-12539

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.

Objections were filed by the USDA Forest Service on May 26, 2006. The *Objections* were resolved on November 8, 2006 with the filing of *Standard Forms 5*. All parties to the subcases and IDWR are signatories to the *Standard Forms 5*.

IDWR then discovered that there were missing quantity elements for 21-12538 and 21-12539. At the hearing on February 21, 2007, the missing quantity elements were agreed upon by the parties.

II. CONCLUSIONS OF LAW

Therefore, 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: February 23, 2007.

Brigitte Bilyeu
BRIGITTE BILYEU, Special Master
Snake River Basin Adjudication

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WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 21-02045

NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS, ID 83402

SOURCE: BLUE CREEK TRIBUTARY: HENRYS FORK

QUANTITY: 1.00 CFS

PRIORITY DATE: 12/03/1911

POINT OF DIVERSION: T09N R43E S10 NWNENE Within Fremont County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation		Within Fremont County
	T09N R43E S11	NENE 3.3	NWNE 19.0
		SWNE 1.1	SENE 0.3
		NENW 20.0	NWNW 23.0
		SWNW 39.0	SENW 39.0
		NESW 33.0	NWSE 38.0
	215.7 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 215.7 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045.

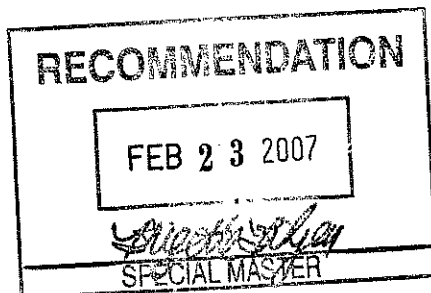
This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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).

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

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In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

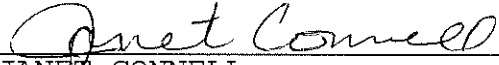
Water Right(s): 21-02045
21-02102 21-02104 21-07075
21-07076 21-12538 21-12539

On February 23, 2007, 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 February 23, 2007.


JANET CONNELL
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): 21-02045
21-02102 21-02104 21-07075
21-07076 21-12538 21-12539

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 February 23, 2007, with sufficient first-class postage prepaid to the following:

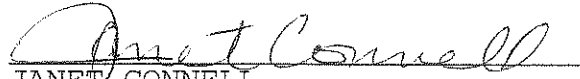
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS, ID 83402

CERTIFICATE OF MAILING

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02/23/07

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

A handwritten signature in cursive script, appearing to read "Janet Connell", written over a horizontal line.

JANET CONNELL
Deputy Clerk