

2007 FEB 23 PM 2: 02

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
EFFECT 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

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 21-12539

2007 FEB 23 PM 2:02

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: BLUE CREEK TRIBUTARY: HENRYS FORK

QUANTITY: 0.35 CFS
77.35 APY

RECEIVED

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES

Right Nos. 21-7075 and 21-12539 are limited to a total
combined diversion rate of 2.41 cfs.

PRIORITY DATE: 07/08/1982

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to Section
42-1426, Idaho Code, the earlier priority right is the superior
right.

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	0.35 CFS 77.35 APY

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

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

This right is based upon an enlargement of Right No. 21-7075
pursuant to Section 42-1426, Idaho Code.

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

FEB 23 2007

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

RECEIVED

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES

2007 FEB 23 PM 2:02

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

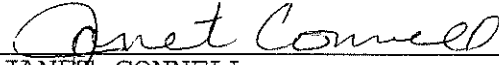
Water Right(s): 21-02045
21-02102 21-02104 21-07075
21-07076 21-12538 21-12539

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

RECEIVED

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES
FEB 23 PM 2:02

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

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

PAGE 1
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