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DEPARTMENT OF
WATER RESOURCES

2007 JUL 24 AM 10:06

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION ON MOTION
	)	TO SET ASIDE PARTIAL DECREE
	)	
	)	WATER RIGHT: 21-04130
	)	

I. PROCEDURAL BACKGROUND

The SRBA District Court issued a *Partial Decree* for water right 29-04130 on February 2, 2007. A letter from claimant Wild Rose Ranch was received by the court on February 27, 2007. The letter asked the court to set aside the *Partial Decree*. The court treated the letter as a *Motion to Set Aside Partial Decree*. Presiding Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on February 27, 2007. A hearing on the *Motion to Set Aside Partial Decree* was held on May 9, 2007. An *Amended Director's Report* was filed May 31, 2007.

II. FINDINGS OF FACT

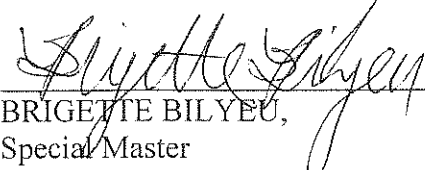
This subcase has a unique procedural history. After the *Director's Report* was filed, the Idaho Department of Water Resources discovered additional information about the priority for this right during the resolution of a neighboring claim. Since both rights were split from an original right, IDWR determined that it should treat both rights the same and recognize a consistent priority date. Therefore, IDWR and the claimant asked that the *Partial Decree* be set aside.

There was no opposition to the *Motion to Set Aside Partial Decree*. An *Amended Director's Report* was filed on May 31, 2007. The *Amended Director's Report* corrected the priority date. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

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 this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. The recommended elements are consistent with the *Amended Director's Report*.

Dated: July 23, 2007 .


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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-04130

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: WILD ROSE RANCH INC
3778 HWY 87
ISLAND PARK, ID 83429

SOURCE: SPRING TRIBUTARY: HENRYS FORK

QUANTITY: 0.29 CFS

PRIORITY DATE: 06/27/1898

POINT OF DIVERSION: T16N R43E S32 SENE Within Fremont County
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.29 CFS

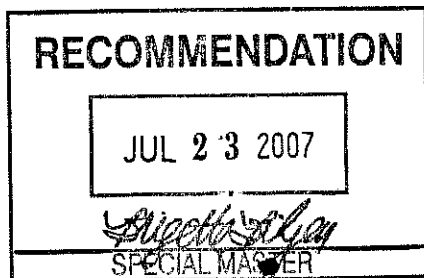
PLACE OF USE:	Irrigation	Within Fremont County
	T16N R43E S32 SWNE 1.4	SENE 5.2
	LOT 1 (NESE) 2.9	
	9.5 Acres Total	

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

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

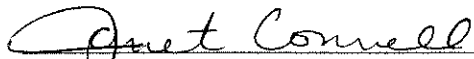
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
	)	Water Right (s) : 21-4130

On July 24, 2007, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE 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: July 24, 2007.


JANET CONNELL
Deputy Clerk

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TWIN FALLS CO., IDAHO
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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)
)
) Water Right (s) : 21-4130

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 July 24, 2007, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, Idaho 83720-0098

Wild Rose Ranch Inc.
Represented by:
Anthony L Barney
3317 W Charleston Blvd, Ste B
Las Vegas, NV 89102-1835


Deputy Clerk