

2007 JUL 27 PM 2:48
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
_____	)	WATER RIGHT NOS.: 21-12906

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 a recommendation for the elements of this water right.

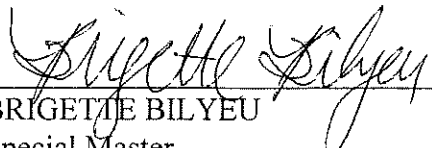
An *Objection* was filed by the United States Bureau of Land Management on May 25, 2006. A *Motion to File Amended Notice of Claim* was filed by Nature Conservancy on April 12, 2007. A hearing was held on April 26, 2007. The *Motion* was granted. ***Order Granting Motion to File Amended Claim and Setting Subcase Deadlines*** (May 1, 2007)

After the *Amended Notice of Claim* was filed, IDWR investigated the amended claim. An *Amended Director's Report* was filed on May 11, 2007. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached ***Special Master's Recommendation for Partial Decree***.

DATED: July 27, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-12906

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NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY, ID 83333-8411

SOURCE: HENRYS FORK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.14 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/25/1902

POINT OF DIVERSION: T15N R43E S36 NENESW Within Fremont County
SENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	2.14 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

PLACE OF USE: Irrigation Within Fremont County

T14N R43E S01 LOT 1	(NENE) 6.1	LOT 2	(NWNE) 38.0
	SWNE 37.0		SENE 21.0
LOT 3	(NENW) 24.0	LOT 4	(NWNW) 1.7
	SWNW 11.0		SENE 40.0
	NESW 40.0		SESW 36.0
	NESE 40.0		NWSE 38.0
	SWSE 40.0		SESE 38.0
S12	NENE 40.0		
R44E S06	NESW 34.0	LOT 6	(NWSW) 34.0
LOT 7	(SWSW) 34.0		SESW 40.0
S07	NENE 29.0		NWNE 40.0
	SWNE 40.0		SENE 32.0
	NENW 40.0		SENE 3.9
LOT 4	(SENE) 26.0	LOT 7	(SENE) 8.3
	NESW 1.2	LOT 6	(NESW) 1.1
LOT 7	(NESW) 36.0	LOT 10	(NWSW) 40.0
LOT 9	(SWSW) 7.0		SESW 37.0
	NESE 0.5		NESE 0.1
LOT 5	(NESE) 33.0		NWSE 2.8
LOT 6	(NWSE) 0.1	LOT 6	(NWSE) 8.4
LOT 6	(NWSE) 26.0		SESE 8.6
LOT 5	(SESE) 0.4	LOT 11	(SESE) 18.0
S18	NENE 0.2		NENE 0.4
	NENE 0.5	LOT 1	(NENE) 0.1
LOT 3	(NENE) 33.0		
1066.4 Acres Total			

Stockwater Within Fremont County
Same as Irrigation

This right is limited to the irrigation of 155 acres within
the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a
combined total of 1066.4 acres in a single irrigation season.
Combined Right Nos.: 21-178, 21-179, 21-11192, 21-12906

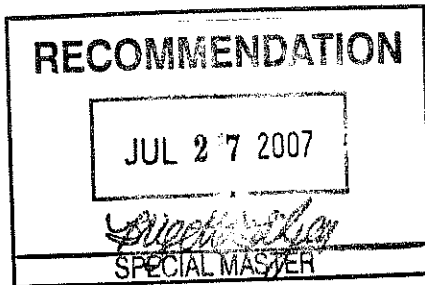
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

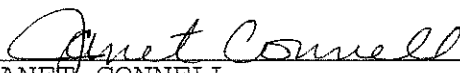
Water Right(s): 21-12906

On July 27, 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 July 27, 2007.


JANET CONNELL
Deputy Clerk

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 21-12906

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 July 27, 2007, with sufficient first-class postage prepaid to the following:

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

THE NATURE CONSERVANCY

Represented by:
C TIMOTHY HOPKINS
428 PARK AVE
PO BOX 51219
IDAHO FALLS, ID 83405-1219
Phone: 208-523-4445

THE NATURE CONSERVANCY

Represented by:
STEPHEN C CANN
THE NATURE CONSERVANCY
2424 SPRUCE ST STE 100
BOULDER, CO 80302
Phone: 303-541-0343

CERTIFICATE OF MAILING

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07/27/07

JANET CONNELL
Deputy Clerk