

2007 AUG 21 AM 11: 52
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
	)	
	)	FOR WATER RIGHT: 37-19825
	)	

I. FINDINGS OF FACT

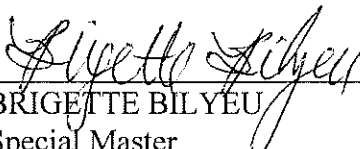
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the United States Bureau of Land Management on March 10, 2006. The *Objection* was resolved on November 9, 2006 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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: August 21, 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 37-19825

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NAME AND ADDRESS: CASA DEL NORTE LP
JOHN B MC CALLUM
11204 N BAR 21 DR
GLENNS FERRY, ID 83623

SOURCE: CLOVER CREEK TRIBUTARY: SNAKE RIVER

Point of redirection from Clover Creek.

QUANTITY: 800.00 AFY

The capacity of Pioneer Reservoir is 1460 AF. This right is for
storing additional water in Pioneer Reservoir after it has
filled once, and right nos. 37-822B, 37-828 and 37-21291 are
satisfied.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/08/1920

POINT OF DIVERSION: T05S R12E S17 NWNW Within Gooding County
NWNW (Rediversion)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	800.00 AFY
	Irrigation from Storage	03-15 TO 11-15	800.00 AFY
	Stockwater Storage	01-01 TO 12-31	6.70 AFY
	Stockwater from Storage	01-01 TO 12-31	6.70 AFY

PLACE OF USE: Irrigation Storage Within Gooding County
Same as Irrigation from Storage

Irrigation from Storage		Within Gooding County	
T04S R12E S32	SESW 10.0	SWSE	0.4
T05S R12E S05 LOT 2	(NWNE) 12.0	SWNE	36.0
	SENE 2.8	LOT 3 (NENW)	8.8
LOT 4	(NWNW) 7.3	SWNW	9.6
	SENW 22.0	NESW	10.0
	NWSW 2.5		
S08	NWNE 28.0	SWNE	9.6
	NENW 13.0	SENW	16.0
	NESW 24.0	NWSW	1.5
	SESW 22.0	NWSE	8.6
	SWSE 0.3		
S17	NWNE 0.9	NENW	24.0
269.3 Acres Total			

Stockwater Storage Within Gooding County
Same as Stockwater from Storage

Stockwater from Storage		Within Gooding County	
T04S R12E S32	SESW	SWSE	
T05S R12E S05 LOT 2	(NWNE)	SWNE	
	SENE		
S08	NWNE	NENW	
	SENW	NESW	
	SESW		

PLACE OF USE (continued)

S17

NENW
SESE

NWSE

Right nos. 37-819A, 37-820A, 37-821B, 37-823, 37-824, and 37-21291 are limited to the irrigation of a combined total of 253.3 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-823, 37-824, 37-826, 37-827, 37-828, 37-7081, 37-19825 and 37-21291 are limited to the irrigation of a combined total of 269.3 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-823, 37-824, and 37-21291 are limited to the irrigation of a combined total of 121.4 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-821B, 37-823, 37-824, 37-826, 37-827, 37-828, 37-7081, 37-19825 and 37-21291 are limited to the irrigation of a combined total of 401.2 acres in a single irrigation season.

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

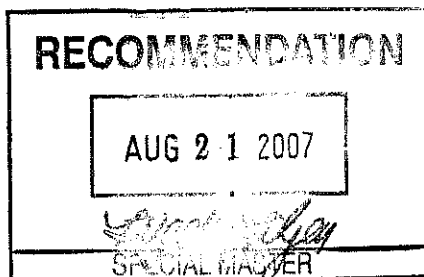
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 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

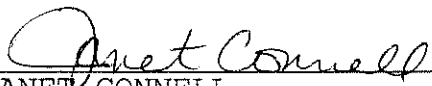
Water Right(s): 37-19825

On August 21, 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 August 21, 2007.


JANET CONNELL
Deputy Clerk

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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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 37-19825

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 August 21, 2007, with sufficient first-class postage prepaid to the following:

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

CASA DEL NORTE LP
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

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

CERTIFICATE OF MAILING

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JANET CONNELL 08/21/07
Deputy Clerk