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SEP 10 2007

DEPARTMENT OF
WATER RESOURCES

2007 SEP -4 PM 3: 03

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: 22-13329
_____	)	

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 and the United States Bureau of Reclamation on May 5, 2006. The *Objection* was resolved on August 17, 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: September 4, 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 22-13329

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TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: K L B INC
DBA BROWN CO
PO BOX 579
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 10.00 CFS
2422.40 AFY

The rights listed below are limited to a total combined
diversion rate of 13.40 cfs and to a total combined annual
diversion volume of 5714.5 AF. Combined Right Nos.: 22-7196,
22-7256, 22-13329.

PRIORITY DATE: 04/01/1986

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: T06N R40E S16 SENWSE (Injection) Within Madison County
SENWSE
T07N R44E S29 SENWNE (Rediversion) Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	10.00 CFS 2422.40 AFY

PLACE OF USE:	Irrigation	Within Teton County
T07N R43E S10	SESE 11.0	
S11	NWSW 2.2	SWSW 38.0
	SESW 10.0	
S13	NWNW 0.8	SWNW 11.0
	SWNW 18.0	NESW 4.8
	NWSW 40.0	SWSW 35.0
	SESW 5.2	
S14	SWNE 10.0	SWNE 11.0
	SENE 11.0	SENE 21.0
	NENW 6.7	NWNW 40.0
	SWNW 36.0	SENE 9.6
	SENE 20.0	NESW 39.0
	NWSW 36.0	SWSW 40.0
	SESW 40.0	NESE 40.0
	NWSE 37.0	SWSE 40.0
	SESE 39.0	
S15	NENE 14.0	SENE 13.0
	NESE 13.0	SESE 13.0
S22	NENE 13.0	SENE 13.0
	NESE 13.0	SESE 13.0
S23	NENE 40.0	NWNE 39.0
	SWNE 33.0	SENE 30.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0

PLACE OF USE (continued)

	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	SWNE 8.7	SENE 22.0
	NENW 21.0	NWNW 38.0
	SWNW 39.0	SENW 37.0
	NESW 40.0	NWSW 32.0
	SWSW 35.0	SESW 40.0
	NESE 28.0	NWSE 35.0
	SWSE 40.0	SESE 27.0
S25	NENE 30.0	NWNE 40.0
	SWNE 40.0	SENE 29.0
	NENW 40.0	NWNW 38.0
	SWNW 40.0	SENW 40.0
	NESE 35.0	NWSE 40.0
	SWSE 39.0	SESE 38.0
S36	NENE 33.0	NWNE 40.0
R44E S19 LOT 2	(SWNW) 8.1	NESW 11.0
LOT 3	(NWSW) 37.0	LOT 4 (SWSW) 38.0
	SESW 40.0	NESE 14.0
	NWSE 11.0	SWSE 40.0
	SESE 40.0	
S20	SWNW 7.6	SENW 6.3
	NESW 25.0	NWSW 29.0
	SWSW 34.0	SESW 37.0
	SWSE 3.5	
S29	SWNE 13.0	SENE 0.3
	NENW 38.0	NWNW 38.0
	SWNW 37.0	SENW 40.0
	NESW 15.0	NWSW 13.0
	NESE 1.7	NWSE 15.0

2936.5 Acres Total

The rights listed below are limited to the irrigation of a combined total of 2936.5 acres in a single irrigation season. Combined Right Nos.: 22-7196, 22-7256, 22-13329.

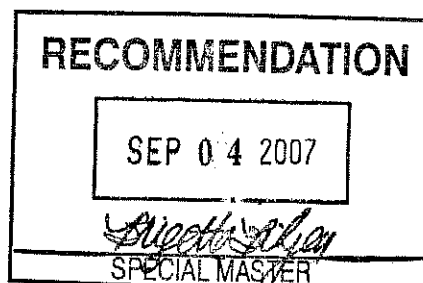
Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

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

This right is subject to regulation by the watermaster of Water District 01.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 22-7256 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).



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) : 22-13329

On September 04, 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 September 04, 2007.


JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 22-13329

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 September 04, 2007, with sufficient first-class postage prepaid to the following:

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

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

K L B INC
DBA BROWN CO
PO BOX 579
REXBURG, ID 83440
Phone: 208-359-2605

CERTIFICATE OF MAILING

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JANET CONNELL 09/04/07
Deputy Clerk