

2008 MAR 31 PM 3:11

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 NO.: 21-11147

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.

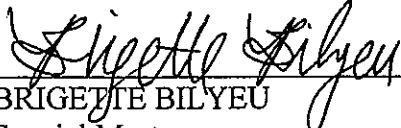
An *Objection* was filed by Ray & Lola Rigby, Harold & Vaudys Rigby, and Alden & Alice Rigby on May 26, 2006. A *Motion to File Amended Notice of Claim* was filed on October 10, 2007. There was no opposition to the *Motion*. The *Motion* was granted.

An *Amended Director's Report* was filed on October 30, 2007. The *Amended Director's Report* was placed on the docket sheet. 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: March 31, 2008.



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 21-11147

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LOLA C RIGBY
RAY W RIGBY
2131 N 3000 W
REXBURG, ID 83440

HAROLD L RIGBY
VAUDYS J RIGBY
2234 W 2000 N
REXBURG, ID 83440

ALDEN L RIGBY
ALICE M RIGBY
3156 W 3000 N
REXBURG, ID 83440

SOURCE: CANYON CREEK TRIBUTARY: HENRYS FORK
ENGET CREEK TRIBUTARY: HENRYS FORK
JONES CREEK TRIBUTARY: HENRYS FORK
SPRING TRIBUTARY: JONES CREEK

QUANTITY: 6.12 CFS

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

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T14N R44E S05 NESWNE Within Fremont County
SENWSE
S08 NESWNW
SESENW
LOT 1 (SENWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.12 CFS
	Stockwater	04-01 TO 11-01	0.23 CFS

PLACE OF USE:	Irrigation	Within Fremont County	
	T14N R44E S05	SWNE 25.0 NWSW 26.0 SESW 40.0 NWSE 39.0 SESE 32.0	NESW 38.0 SWSW 35.0 NESE 6.0 SWSE 40.0
	S08	NENE 30.0 NENW 37.0 SWNW 32.0	NWNE 35.0 NWNW 30.0 SENW 35.0
	LOT 1	(NWSW) 30.0	
	510.0 Acres Total		

Stockwater	Within Fremont County	
T14N R44E S05	SWNE NWSW SESW NWSE SESE	NESW SWSW NESE SWSE
S08	NENE NENW	NWNE NWNW

PLACE OF USE (continued)

R443 S00 LOT 1 SWNW
(NWSW)

Right Nos. 21-11146 and 21-11147 are limited to the irrigation of a combined total of 510 acres in a single irrigation season.

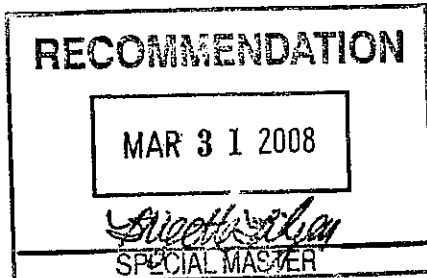
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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TWIN FALLS CO., IDAHO

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

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)
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)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 21-11147

On March 31, 2008, 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 March 31, 2008.


JANET CONNELL
Deputy Clerk

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 21-11147

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 March 31, 2008, with sufficient first-class postage prepaid to the following:

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

ALDEN L RIGBY
ALICE M RIGBY
HAROLD L RIGBY
LOLA C RIGBY
RAY W RIGBY
VAUDYS J RIGBY

Represented by:
RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

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JANET CONNELL 03/31/08
Deputy Clerk