

RECEIVED

AUG 21 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - 3RD JUDICIAL DISTRICT	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 20 2008	
By _____	Clerk
_____	Deputy Clerk

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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-00219,
) 67-00220, 67-00226, and 67-00229
) (Pine Creek Property Owners Irrigation
) Association)
)
) RECOMMENDATION OF
) DISALLOWANCE FOR WATER RIGHT
) CLAIMS 67-00219B, 67-00219C,
) 67-00219D, 67-00219E, 67-00219F,
) 67-00219G, 67-00219H, 67-00220A,
) 67-00220B, 67-00226A, 67-00226B,
) 67-00226C, 67-00226D, and 67-00229A

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water rights 67-00219, 67-00220, 67-00226, and 67-00229 in the name of the Pine Creek Property Owners Irrigation Association ("PCPOIA"). The remaining claims, filed by individual claimants, were recommended by IDWR to be disallowed.

On August 22, 2007, the State of Idaho, Department of Lands, through Deputy Attorney General David Barber, filed objections to the *Director's Report* for the water rights claimed by the PCPOIA, asserting that the claimant was not authorized to use land owned by the State of Idaho for a point of diversion or place of use. On August 1, 2008, the State of Idaho, Department of Lands and the PCPOIA filed a *Standard Form 5 – Stipulated Elements of a Water*

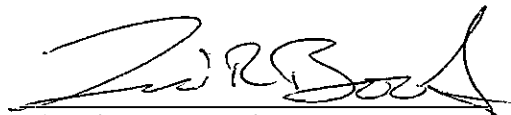
Right in each of the four subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

Regarding the water right claims recommended herein for disallowance, no objections were filed to the *Director's Report* for these claims. The claims were identified as uncontested water right claims that may be affected by the outcome of a contested matter.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 67-00219, 67-00220, 67-00226, and 67-00229 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order disallowing water right claims 67-00219B, 67-00219C, 67-00219D, 67-00219E, 67-00219F, 67-00219G, 67-00219H, 67-00220A, 67-00220B, 67-00226A, 67-00226B, 67-00226C, 67-00226D, and 67-00229A

Dated Aug. 20, 2008



Theodore R. Booth
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 67-00219

DISTRICT COURT - IDAHO	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 20 2008	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: PINE CREEK PROPERTY OWNERS
IRRIGATION ASSOCIATION
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE, ID 83610

SOURCE: EAST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.28 CFS
56.00 AFY

The total instantaneous diversion of water from all points of
diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION:	T16N R04W S25	NESW	Within Washington County
	S35	SENE	
		SENE	
		SENE	
		SENE	
		SENE	
		NWSE	
		NWSE	

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.28 CFS
			56.00 AFY

PLACE OF USE:	Irrigation		Within Washington County
	T16N R04W S25	SWSW 5.0	SESW 8.0
	S35	SWNE 2.0	SENE 10.0
		NESW 8.0	SWSW 3.0
		SESW 3.0	NWSE 4.0
	S36	NWNW 20.0	
	63.0 Acres Total		

Right No. 67-00220 is limited to the irrigation of 12.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00226 is limited to the irrigation of 17.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00229 is limited to the irrigation of 21.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00219 is limited to the irrigation of 14.0 acres
within the place of use described above in a single irrigation
season.

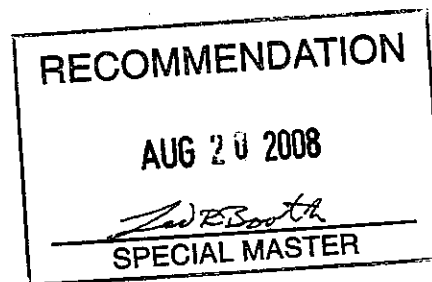
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 67-00220

DISTRICT COURT - IDAHO Fifth Judicial District County of Twin Falls - State of Idaho
AUG 20 2008
By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: PINE CREEK PROPERTY OWNERS
IRRIGATION ASSOCIATION
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE, ID 83610

SOURCE: EAST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.24 CFS
48.00 AFY

The total instantaneous diversion of water from all points of
diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION: T16N R04W S25 NESW Within Washington County
S35 SENE
SENE
SENE
SENE
SENE
NWSE
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.24 CFS 48.00 AFY

PLACE OF USE:	Irrigation	Within Washington County
	T16N R04W S25	SWSW 5.0 SESW 8.0
	S35	SWNE 2.0 SENE 10.0
		NESW 8.0 SWSW 3.0
		SESW 3.0 NWSE 4.0
	S36	NWNW 20.0
	63.0 Acres Total	

Right No. 67-00226 is limited to the irrigation of 17.0 acres
within the place of use described above in a single irrigation
season.
Right No. 67-00229 is limited to the irrigation of 21.0 acres
within the place of use described above in a single irrigation
season.
Right No. 67-00219 is limited to the irrigation of 14.0 acres
within the place of use described above in a single irrigation
season.
Right No. 67-00220 is limited to the irrigation of 12.0 acres
within the place of use described above in a single irrigation
season.

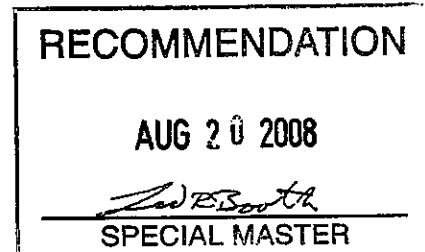
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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John M. Melanson
Presiding Judge of the
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 67-00226

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho AUG 20 2008 By _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: PINE CREEK PROPERTY OWNERS
IRRIGATION ASSOCIATION
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE, ID 83610

SOURCE: EAST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.34 CFS
68.00 AFY

The total instantaneous diversion of water from all points of
diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE: 05/01/1902

POINT OF DIVERSION: T16N R04W S25 NESW Within Washington County
S35 SENE
SENE
SENE
SENE
SENE
NWSE
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.34 CFS 68.00 AFY

PLACE OF USE:	Irrigation	Within Washington County
	T16N R04W S25	SWSW 5.0 SESW 8.0
	S35	SWNE 2.0 SENE 10.0
		NESW 8.0 SWSW 3.0
		SESW 3.0 NWSE 4.0
	S36	NWNW 20.0
	63.0 Acres Total	

Right No. 67-00226 is limited to the irrigation of 17.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00219 is limited to the irrigation of 14.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00229 is limited to the irrigation of 21.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00220 is limited to the irrigation of 12.0 acres
within the place of use described above in a single irrigation
season.

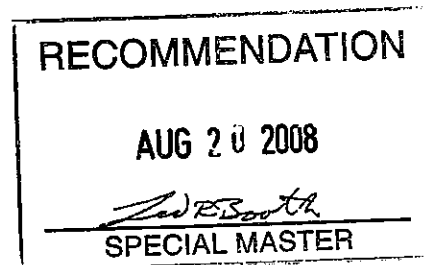
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Presiding Judge of the
Snake River Basin Adjudication



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 67-00229

DISTRICT COURT - S. JA Fifth Judicial District County of Twin Falls - State of Idaho AUG 20 2008 By _____ Clerk _____ Deputy Clerk
--

NAME AND ADDRESS: PINE CREEK PROPERTY OWNERS
IRRIGATION ASSOCIATION
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE, ID 83610

SOURCE: EAST PINE CREEK TRIBUTARY: PINE CREEK

QUANTITY: 0.42 CFS
84.00 AFY

The total instantaneous diversion of water from all points of
diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE: 05/01/1908

POINT OF DIVERSION: T16N R04W S25 NESW Within Washington County
S35 SENE
SENE
SENE
SENE
SENE
NWSE
NWSE

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.42 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T16N R04W S25	SESW 8.0
	S35	SENE 10.0
		NESW 8.0
		SESW 3.0
	S36	NWSE 4.0
		NWNW 20.0
	63.0 Acres Total	

Right No. 67-00226 is limited to the irrigation of 17.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00219 is limited to the irrigation of 14.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00229 is limited to the irrigation of 21.0 acres
within the place of use described above in a single irrigation
season.

Right No. 67-00220 is limited to the irrigation of 12.0 acres
within the place of use described above in a single irrigation
season.

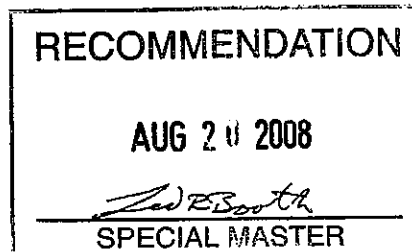
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

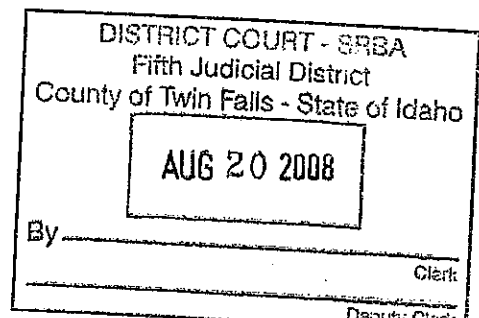
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 67-00219
(SEE ATTACHED EXHIBIT A)

On August 20, 2008, Special Master THEODORE R. BOOTH 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 20, 2008.

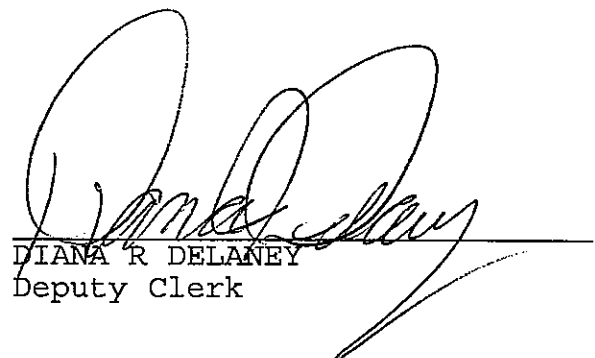
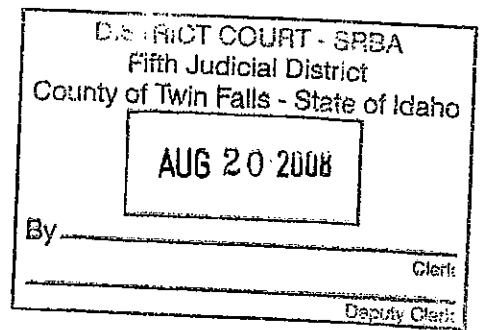

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

67-00219
67-00219B
67-00219C
67-00219D
67-00219E
67-00219F
67-00219G
67-00219H
67-00220
67-00220A
67-00220B
67-00226
67-00226A
67-00226B
67-00226C
67-00226D
67-00229
67-00229A



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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 67-00219
(SEE ATTACHED EXHIBIT A)

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 20, 2008, with sufficient first-class postage prepaid to the following:

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

PINE CREEK PROPERTY OWNERS
IRRIGATION ASSOCIATION
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE, ID 83610
Phone: 208-642-2766

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
08/19/08

PEARL J KETZ
VERNON E KETZ
PO BOX 190
CAMBRIDGE, ID 83610

CYRUS R WERT
M KATHRYN WERT
PO BOX 272
CAMBRIDGE, ID 83610
Phone: 208-257-4689

VERL H CATE
PO BOX 91
CAMBRIDGE, ID 83610
Phone: 208-257-3742

MARLENE SINGLEHURST
MIKE SINGLEHURST
PO 1
PO BOX 2114
KAHULUI, HI 96732
Phone: 808-878-6516

KATHRYN YOUNG
LAURA YOUNG
1760 AVE DEL MUNDO #903
CORONADO, CA 92118
Phone: 619-435-4961

CAROL L MC DONALD
DOUGLAS MC DONALD
2011 COLUMBUS
BOISE, ID 83705
Phone: 208-343-8901

MARION SANDSTROM
RAY T SANDSTROM
RAYMOND C SANDSTROM
33162 DESOTO WAY
DANA POINT, CA 92629
Phone: 714-581-0101

MILDRED L HOLMES
410 NW 2ND ST
ONTARIO, OR 97914
Phone: 541-889-5230

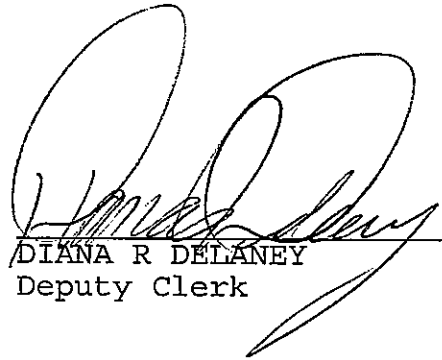
MYRTLE SIDWELL
613 N KIMBALL
CALDWELL, ID 83605
Phone: 208-459-8680

PHILIP J KETZ
820 8TH AVE N
PAYETTE, ID 83661
Phone: 208-642-2744

CRAIG HILLIARD
DONALD HILLIARD
861 8TH AVE N
PAYETTE, ID 83661
Phone: 208-642-7149

LORI HILLIARD
VEDA HILLIARD
861 8TH AVE NORTH
PAYETTE, ID 83661
Phone: 208-642-7149

EUGENE SIDWELL
920 PLATEAU
CALDWELL, ID 83605
Phone: 208-454-2285



DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

67-00219
67-00219B
67-00219C
67-00219D
67-00219E
67-00219F
67-00219G
67-00219H
67-00220
67-00220A
67-00220B
67-00226
67-00226A
67-00226B
67-00226C
67-00226D
67-00229
67-00229A