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DEPARTMENT OF
WATER RESOURCES

WALLACE, W. STEEN
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

Case No. 39576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT: 37-665K

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.

Objections were filed by the United States Bureau of Land Management, Tom O’Gara, John Stevenson, Bill Molyneux, Pete Van Der Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris, and Big Wood Canal Company. A *Response* was filed by Sinclair Oil Corporation on February 1, 2008. A *Stipulation for Sinclair Oil Corporations Withdrawal and Potential Reentry* was filed on September 10, 2008. All parties were signatories to the *Stipulation*. The Court granted the withdrawal of the *Response*. ***Order Granting Withdrawal of Response Without Prejudice***. (September 16, 2008) The *Objections* were resolved on September 11, 2008 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: October 30, 2008.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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QUANTITY: 2.06 CFS

Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 shall not exceed 5,022.9 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 1,435.1 acres).

PURPOSE AND

PLACE OF USE:	Irrigation		Within Blaine County
	T01N R19E S17	SWNE 38.0	SWNW 34.0
		SENE 40.0	NESW 40.0
		NWSW 34.0	SWSW 40.0
		SESW 35.0	NESE 11.0
		NWSE 40.0	SWSE 40.0
		SESE 22.0	
	S20	NENE 39.0	NWNE 39.0
		SWNE 19.0	SENE 40.0
		NENW 37.0	NWNW 40.0
		NESE 35.0	NWSE 1.3
		SESE 13.0	
	S21 LOT 8	(NWNW) 10.0	LOT 9 (SWNW) 9.0
	LOT 11	(NWSW) 24.0	SWSW 36.0
	LOT 12	(SESW) 1.2	
	S27	NENE 11.0	NWNE 9.0
		SWNE 40.0	SENE 11.0
		SWNW 13.0	SENW 30.0
		NESW 40.0	NWSW 38.0
		SWSW 40.0	SESW 30.0
		NESE 3.8	NWSE 36.0
		SWSE 4.0	
	S28	SWNE 14.0	SENE 4.0
		NENW 13.0	NWNW 29.0
		SWNW 6.4	SENW 37.0
		NESW 22.0	SESW 2.2
		NESE 39.0	NWSE 39.0

PLACE OF USE (continued)

	SWSE 36.0	SESE 40.0
S33	NENE 40.0	NWNE 14.0
	SENE 30.0	
S34	NENW 0.2	NWNW 31.0
	SWNW 15.0	

1435.1 Acres Total

Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N and 37-22155 are limited to the irrigation of a combined total of 1435.1 acres in a single irrigation season.

Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 1435.1 acres in a single irrigation season.

This right is limited to the irrigation of 263.0 acres within the place of use described above in a single irrigation season.

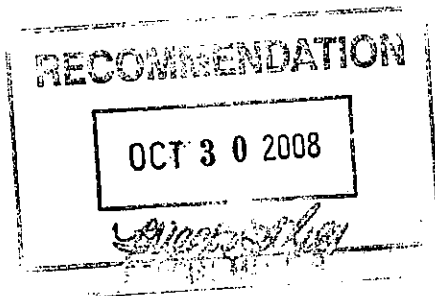
Right Nos. 37-665K, 37-666J and 37-667N are limited to the irrigation of a combined total of 263 acres in a single irrigation season.

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

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SRBA
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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

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

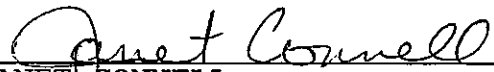
Water Right(s): 37-00665K

On October 30, 2008, Special Master BRIGETTE BILYEY 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 October 30, 2008.



JANET CONNELL
Deputy Clerk

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 37-00665K

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 October 30, 2008, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

REDSTONE PARTNERS LP

Represented by:

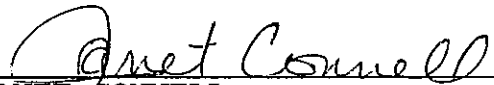
JEFFREY C FEREDAY

601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200


JANET CONNELL
Deputy Clerk