

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

FEB 27 2009

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 AND  
RECOMMENDATION; FINDINGS OF  
FACT AND CONCLUSIONS OF LAW**

**WATER RIGHT NOS.: 22-7175, 22-7176,  
22-13020, 22-13021, and 22-13023**

## I. FINDINGS OF FACT

Claims were filed for these water rights 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 recommendations for the elements of these water rights.

No objections were filed for the above listed water rights. These water rights however, are used in combination with water right 22-7617 which was the subject of an *Objection*. The *Objection* was resolved with the filing of an *Amended Director's Report* on October 6, 2008. 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. There are no unresolved objections remaining.

## II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: February 27, 2009.

  
BRIGETTE BILYEU, Special Master  
Snake River Basin Adjudication

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

THE  
FEB 27 2009

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 22-07175

NAME AND ADDRESS: CITY OF REXBURG  
PO BOX 280  
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 5.61 CFS

PRIORITY DATE: 02/04/1976

POINT OF DIVERSION: T06N R40E S29 SWSW Within Madison County  
SWSW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Municipal      | 01-01 TO 12-31 | 5.61 CFS |

PLACE OF USE:  
Place of use is within the service area of the City of Rexburg  
municipal water supply system as provided for under Idaho Law.

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

**RECOMMENDATION**

FEB 27 2009

*Brietta Lilley*  
SPECIAL MASTER

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

DISTRICT OF THE  
TWIN FALLS

FEB 27 2009

By \_\_\_\_\_ Clerk  
\_\_\_\_\_ Deputy Clerk

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 22-07176

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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

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

FEB 27 2009

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 22-13020

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: CITY OF REXBURG  
PO BOX 280  
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS  
0.60 AFY

The quantity of water under this right shall not exceed 2,500  
gallons per day.

PRIORITY DATE: 12/17/1981

POINT OF DIVERSION: T06N R39E S24 SESWSE Within Madison County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Domestic       | 01-01 TO 12-31 | 0.02 CFS |
|                |                |                | 0.60 AFY |

PLACE OF USE: Domestic Within Madison County  
T06N R39E S24 SWSE

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

The quantity of water decreed for this water right 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  
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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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DEPARTMENT OF  
WATER RESOURCES

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 22-13021

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| FEB 27 2009                                                                             |
| By _____<br>Clerk<br>Deputy Clerk                                                       |

NAME AND ADDRESS: CITY OF REXBURG  
PO BOX 280  
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS  
0.60 AFY

The quantity of water under this right shall not exceed 2,500  
gallons per day.

PRIORITY DATE: 08/01/1963

POINT OF DIVERSION: T06N R39E S24 SWSWSE Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.02 CFS |
|                               |                |                | 0.60 AFY |

PLACE OF USE: Domestic Within Madison County  
T06N R39E S24 SWSE

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

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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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 22-13023

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| FEB 27 2009                                                                             |
| By _____ Clerk<br>Deputy Clerk                                                          |

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DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: CITY OF REXBURG  
PO BOX 280  
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS  
0.60 AFY

The quantity of water under this right shall not exceed 2,500  
gallons per day.

PRIORITY DATE: 05/01/1960

POINT OF DIVERSION: T06N R39E S24 NWSE Within Madison County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.02 CFS |
|                               |                |                | 0.60 AFY |

PLACE OF USE: Domestic Within Madison County  
T06N R39E S24 NWSE

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

The quantity of water decreed for this water right is not a  
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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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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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| FEB 27 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 22-07175  
22-07176 22-13020 22-13021  
22-13023

On February 27, 2009, 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 February 27, 2009.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| FEB 27 2009                                                                             |
| By _____<br>Clerk<br>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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 22-07175  
22-07176 22-13020 22-13021  
22-13023

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 February 27, 2009, with sufficient first-class postage prepaid to the following:

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

CITY OF REXBURG  
PO BOX 280  
REXBURG, ID 83440  
Phone: 208-359-3020

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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02/27/09