

DEPARTMENT OF  
WATER RESOURCES

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

APR 28 2009

By \_\_\_\_\_ Clerk  
DISTRICT OF THE \_\_\_\_\_ Deputy Clerk

**FOR WATER RIGHTS: 37-13152,  
37-22239 AND 37-22240**

A notice of claim was filed for water right 37-13152 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.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-13152 into assigned split right numbers 37-22239 and 37-22240. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 37-13152 to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

Based on the file and record herein, IT IS RECOMMENDED that water right 37-13152 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22239 and 37-22240 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: April 28, 2009.

*Brigitte Bilyeu*  
BRIGITTE 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

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

APR 28 2009

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-22239

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

NAME AND ADDRESS: STATE OF IDAHO  
DEPT OF LANDS  
300 N 6TH ST  
PO BOX 83720  
BOISE, ID 83720-0050

CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD, ID 83327

SOURCE: SHONKS CREEK TRIBUTARY: WILLOW CREEK  
UNNAMED STREAM TRIBUTARY: SHONKS CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with water right no.  
37-22240 and is limited to a total combined diversion rate of  
0.020 cfs and total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T01N R16E S21 NENWNE (Instream Beginning Point) Within Camas County  
NESWSW (Instream Beginning Point)  
SESWSW (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 11-01 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Camas County |
|---------------|---------------|---------------------|
|               | T01N R16E S21 | NWNE SWNE           |
|               |               | NESW SWSW           |
|               |               | SESW NWSE           |

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.

The ownership of water right no. 37-22239 is governed by a  
private agreement executed by the Idaho Department of Lands and  
Crichton Creek Ltd. Partnership.

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).

RECOMMENDATION

APR 28 2009

*Bigella Lilien*  
SPECIAL MASTER

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.

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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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-22240

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| APR 28 2009                                                                             |
| By _____<br>Clerk<br>Deputy Clerk                                                       |

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP  
RT 1 BOX 1210  
FAIRFIELD, ID 83327

SOURCE: UNNAMED STREAM TRIBUTARY: SHONKS CREEK

QUANTITY: 0.02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH WATER RIGHT NO.  
37-22239 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF  
0.020 CFS AND TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T01N R16E S21 NWNWSW (Instream Beginning Point) Within Camas County  
SENWSW (Instream Ending Point)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 06-01 TO 10-15 | 0.02 CFS |

PLACE OF USE: Stockwater Within Camas County  
T01N R16E S21 NWSW

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.  
Pursuant to the decision in Joyce Liverstock v. United States (144 Idaho 1, 156 P.3d 502 (Idaho 2007)), this water right is appurtenant to real property that is not the place of use. Property to which this water right is appurtenant is described as follows pursuant to I.C. 42-1402:

|               |      |
|---------------|------|
| T01N R16E S20 | NENE |
| T01N R16E S20 | NWNE |
| T01N R16E S20 | SWNE |
| T01N R16E S20 | SENE |
| T01N R16E S20 | NENW |
| T01N R16E S20 | NESE |
| T01N R16E S20 | NWSE |
| T01N R16E S20 | SWSE |
| T01N R16E S20 | SESE |

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).

|                                        |
|----------------------------------------|
| RECOMMENDATION                         |
| APR 28 2009                            |
| <i>Biggie Silvey</i><br>SPECIAL MASTER |

RECEIVED  
APR 29 2009  
DEPARTMENT OF  
WATER RESOURCES

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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APR 29 2009  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| APR 28 2009                                                                             |
| By _____<br>Clark<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): 37-13152  
37-22239 37-22240

On April 28, 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 April 28, 2009.

  
JANET CONNELL  
Deputy Clerk

RECEIVED

APR 29 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| APR 28 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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s) : 37-13152  
37-22239 37-22240

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 April 28, 2009, with sufficient first-class postage prepaid to the following:

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

CRICHTON CREEK LTD PARTNERSHIP

Represented by:  
PAUL L ARRINGTON  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

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  
04/28/09

STATE OF IDAHO

Represented by:

STATE OF IDAHO

700 W JEFFERSON ROOM 210

P O BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

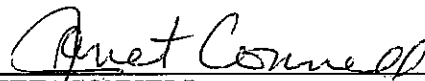
BOISE, ID 83724

CRICHTON CREEK LTD PARTNERSHIP

RT 1 BOX 1210

FAIRFIELD, ID 83327

Phone: 208-764-2386

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