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MAY 29 2009

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

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

MAY 28 2009

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

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

FOR WATER RIGHTS: 22-13617,
22-13724 AND 22-13725

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-13617 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.

A *Notice of Completed Administrative Proceeding* was filed on June 26, 2007, splitting the former parent right 22-13617 into assigned split right numbers 22-13724 and 22-13725. The NCAP for 22-13724 recommended that split for disallowance. An *Objection* was filed to water right 22-13725 by Richard Lee, Leslie Lee and Chan Underwood on July 23, 2007. A Status Conference was held on February 18, 2009. At the hearing, Claimants made an oral *Motion to Amend Claim* for 22-13725. There was no opposition to the *Motion*.

An *Amended Director's Report* for 22-13725 was filed on March 18, 2009. 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.

No objections were filed to water right 22-13724. Therefore, water right 22-13724 will be recommended consistent with the *Director's Report*. The *Director's Report* recommended water right 22-13724 be disallowed.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water rights 22-13617 and 22-13724 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water right 22-13725 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: May 28, 2009.


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

MAY 28 2009

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-13725

By _____ Clerk
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: CHAN R UNDERWOOD
RICHARD A LEE
PO BOX 121
TETON VILLAGE, WY 83025

SOURCE: GROUNDWATER

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.80 CFS

PRIORITY DATE: 07/05/1950

POINT OF DIVERSION: T05N R45E S25 NESENW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.08 CFS

PLACE OF USE: Irrigation Within Teton County
T05N R45E S25 SENW 40.0
40.0 Acres Total

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.

RECOMMENDATION

MAY 28 2009

Bridgette Libbey
SPECIAL MASTER

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

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY 28 2009
By _____ Clerk Deputy Clerk

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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) : 22-13617
22-13724 22-13725

On May 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 May 28, 2009.


JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 22-13617
22-13724 22-13725

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

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

CHAN R UNDERWOOD
RICHARD A LEE
Represented by:
JARIN O. HAMMER
2105 CORONADO ST
IDAHO FALLS, ID 83404-7495
Phone: 208-523-5171

ASA BUTLER
CLAUDE DALLEY
DRIGGS, ID 83442


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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05/28/09