

DEPARTMENT OF
WATER RESOURCES

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

MAY 28 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.: 22-366B,
22-367B, 22-611A, AND 22-13588**

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.

Objections were filed by South Leigh Creek, LLC on May 10, 2007. A Status Conference was held on January 28, 2009. At the hearing, South Leigh Creek, LLC made an oral *Motion to File Amended Notice of Claims*. There was no opposition to the *Motion*.

An *Amended Director's Report* 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.

II. CONCLUSIONS OF LAW

Therefore, 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: 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00366B

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

MAY 28 2009

By _____ Clerk
Deputy Clerk

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MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK, CA 94025

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.25 CFS

PRIORITY DATE: 05/01/1898

POINT OF DIVERSION: T06N R45E S36 SENW Within Teton County
R46E S31 LOT 2 (SWNW)
S32 NWNWSW
LOT 1 (NWNE)

The point of diversion described above as T6N R46E S32 NWNE Lot 1
is where the conveyance system enters Idaho.
One point of diversion for this water right is in Wyoming, T44N,
R118W, Sec. 6 SENE Lot 2, 6 PM.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.25 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S35	SWNE 8.4 NESE 27.0
		SENE 25.0 NWSE 18.0
	78.4 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 78.4 acres in a single irrigation season.
Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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

This water right is subject to the delivery provisions contained
in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4,
1941) ("Roxana decree"). Nothing in this Partial Decree is
intended to relieve or alter the state of Idaho nor the state of
Wyoming from their obligations contained in the Roxana decree.

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

MAY 28 2009

Digette Silvey
SPECIAL MASTER

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 22-00367B

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

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK, CA 94025

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.75 CFS

PRIORITY DATE: 05/01/1899

POINT OF DIVERSION: T06N R45E S36 SENW Within Teton County
R46E S31 LOT 2 (SWNW)
S32 NWNWSW
LOT 1 (NWNE)

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is where the conveyance system enters Idaho. One point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 SENE Lot 2, 6 PM.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.75 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S35	SWNE 8.4 NESE 27.0
		SENE 25.0 NWSE 18.0
	78.4 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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
MAY 28 2009
<i>Bijette Lilley</i> SPECIAL MASTER

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MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

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

MAY 28 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 22-13588

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK, CA 94025

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T06N R45E S36 SENW Within Teton County
R46E S31 LOT 2 (SWNW)
S32 NWNWSW
LOT 1 (NWNE)

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DEPARTMENT OF
WATER RESOURCES

One point of diversion for this water right is in Wyoming, T44N,
R118W, Sec. 6 SENE Lot 2, 6 PM.
The point of diversion described above as T6N R46E S32 NWNE Lot 1
is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.40 CFS

PLACE OF USE: Irrigation Within Teton County
T06N R45E S35 SWNE 8.4 SENE 25.0
NESE 27.0 NWSE 18.0
78.4 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 78.4 acres in a single irrigation season.
Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.
This right is limited to the irrigation of 20 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 water right is subject to the delivery provisions contained
in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4,
1941) ("Roxana decree"). Nothing in this Partial Decree is
intended to relieve or alter the state of Idaho nor the state of
Wyoming from their obligations contained in the Roxana decree.
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

MAY 28 2009

Bipette Selby
SPECIAL MASTER

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MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 28 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 22-00366B
22-00367B 22-00611A 22-13588

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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MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 28 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 22-00366B
22-00367B 22-00611A 22-13588

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

SOUTH LEIGH CREEK LLC
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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05/28/09