

RECEIVED

JUN 22 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 19 2009	
By _____	Clark
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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-02946,
) 63-03033A, 63-3358A, and 63-09350A
)
) RECOMMENDATION OF
) DISALLOWANCE FOR WATER RIGHT
) CLAIMS 63-32932, 63-32933, 63-32934,
) 63-32935, 63-32936, 63-32937, 63-32938,
) and 63-32939

I. FINDINGS OF FACT

Notices of claim were filed for water rights 63-02946, 63-03033, 63-03358, and 63-09350A pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights. Subsequent to the filing of the *Director's Report*, splits of the reported water rights resulted in the water right numbers recommended herein to be disallowed.

On June 19, 2007, L222-1 ID Summerwind, LLC filed an objection to the *Director's Report* for each water right. On June 4, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations. In the *Standard Forms 5*, the parties agreed to recombine the split rights under the original water right number, and to the disallowance of the water right numbers assigned to the splits.

II. CONCLUSIONS OF LAW

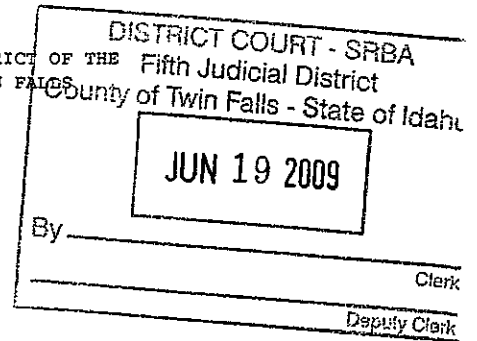
Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-02946, 63-03033A, 63-3358A, and 63-09350A be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order disallowing water right claims 63-32932, 63-32933, 63-32934, 63-32935, 63-32936, 63-32937, 63-32938, and 63-32939

Dated June 19, 2009



Theodore R. Booth
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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02946

NAME AND ADDRESS: STATUS CORPORATION OF IDAHO
1059 E IRON EAGLE DR #155
EAGLE, ID 83616-6855

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
450.00 AFY

Rights 63-3358A and 63-2946 when combined shall not exceed a
total annual maximum diversion volume of 540.0 af at the field
headgate, and the irrigation of 120 acres.

PRIORITY DATE: 07/13/1953

POINT OF DIVERSION: T04N R04W S32 NWNESE Within Canyon County
NWSESE
NWNWSE
SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.32 CFS 450.00 AFY

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R04W S32	NESW 35.0 NWSW 27.0 SESW 30.0
	120.0 Acres Total	

This right is limited to the irrigation of 100 acres within the
place of use described above in a single irrigation season.

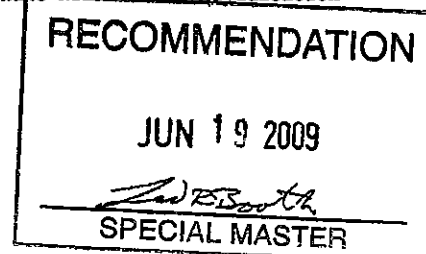
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS 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).

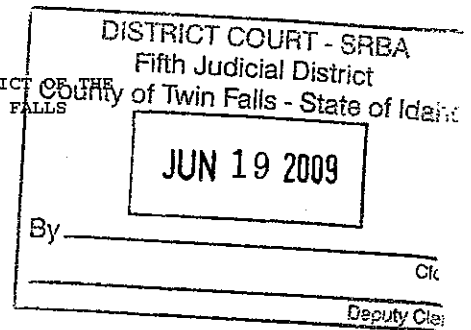
RULE 54(b) CERTIFICATE

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



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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03033A

NAME AND ADDRESS: STATUS CORPORATION OF IDAHO
1059 E IRON EAGLE DR #155
EAGLE, ID 83616-6855

SOURCE: GROUND WATER

QUANTITY: 0.44 CFS
180.00 AFY

Rights 63-9350A and 63-3033A when combined shall not exceed a
total annual maximum diversion volume of 499.5 af at the field
headgate, and the irrigation of 111 acres.

PRIORITY DATE: 03/23/1955

POINT OF DIVERSION: T04N R04W S32 NWNESW Within Canyon County
NWSESW
NWNWSE
SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.44 CFS 180.00 AFY

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R04W S32	NESE 22.0 NWSE 35.0 SWSE 30.0 SESE 24.0
	111.0 Acres Total	

This right is limited to the irrigation of 40 acres within the
place of use described above in a single irrigation season.

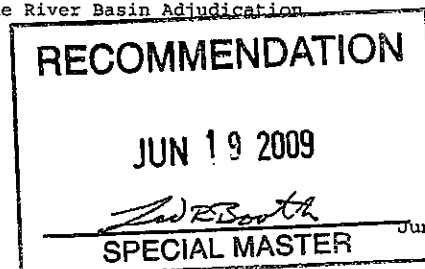
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS 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).

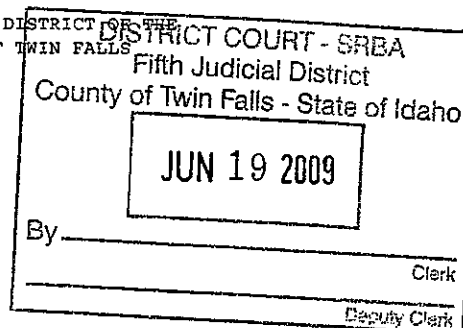
RULE 54(b) CERTIFICATE

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



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 63-03358A

NAME AND ADDRESS: STATUS CORPORATION OF IDAHO
1059 E IRON EAGLE DR #155
EAGLE, ID 83616-6855

SOURCE: GROUND WATER

QUANTITY: 0.94 CFS
535.50 AFY

Rights 63-2946 and 63-3358A when combined shall not exceed a
total annual maximum diversion volume of 540.0 af at the field
headgate, and the irrigation of 120 acres.

PRIORITY DATE: 12/12/1963

POINT OF DIVERSION: T04N R04W S32 NWNESW Within Canyon County
NWSESW
NWNWSE
SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.94 CFS 535.50 AFY

The use of water for irrigation under this right may begin as
early as March 1 and may continue to as late as November 15,
provided other elements of the right are not exceeded. The use
of water before April 1 and after October 31 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R04W S32 NESW 35.0 NWSW 27.0	
	SWSW 28.0 SESW 30.0	
	120.0 Acres Total	

This right is limited to the irrigation of 119 acres within the
place of use described above in a single irrigation season.

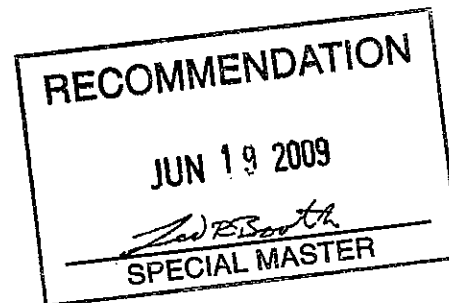
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS 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

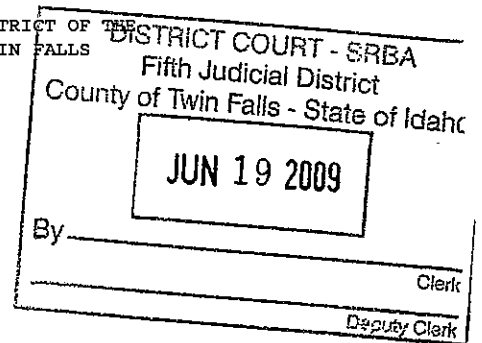


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 63-09350A



NAME AND ADDRESS: STATUS CORPORATION OF IDAHO
1059 E IRON EAGLE DR #155
EAGLE, ID 83616-6855

SOURCE: GROUND WATER

QUANTITY: 0.80 CFS
360.00 AFY

Rights 63-3033A and 63-9350A when combined shall not exceed a
total annual maximum diversion volume of 499.5 af at the field
headgate, and the irrigation of 111 acres.

PRIORITY DATE: 02/27/1980

POINT OF DIVERSION: T04N R04W S32 NWNESW Within Canyon County
NWSESW
NWNWSE
SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS 360.00 AFY

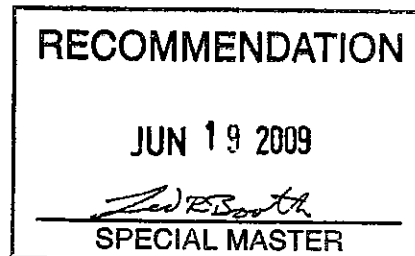
The use of water for irrigation under this right may begin as
early as March 1 provided other elements of the right are not
exceeded. The use of water before March 15 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R04W S32	NESE 22.0 NWSE 35.0 SWSE 30.0 SESE 24.0
	111.0 Acres Total	

This right is limited to the irrigation of 80 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 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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUN 19 2009

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): 63-02946
(SEE ATTACHED EXHIBIT A)

On June 19, 2009, Special Master THEODORE R. BOOTH
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 June 19, 2009.

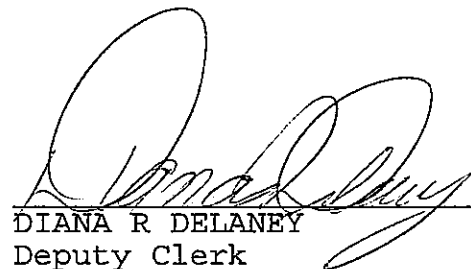

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-02946
63-03033A
63-03358A
63-09350A
63-32932
63-32933
63-32934
63-32935
63-32936
63-32937
63-32938
63-32939

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

JUN 19 2009

By _____
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): 63-02946
(SEE ATTACHED EXHIBIT A)

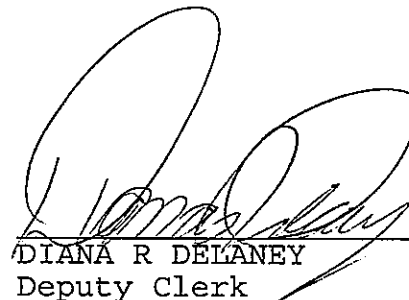
CERTIFICATE OF MAILING

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 June 19, 2009, with sufficient first-class postage prepaid to the following:

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

STATUS CORPORATION OF IDAHO
1059 E IRON EAGLE DR #155
EAGLE, ID 83616-6855

L222-1 ID SUMMERWIND LLC
1059 E IRON EAGLE DR STE 155
EAGLE, ID 83616
Phone: 208-938-8577


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/19/09

Exhibit A

Subcase Nos:

63-02946
63-03033A
63-03358A
63-09350A
63-32932
63-32933
63-32934
63-32935
63-32936
63-32937
63-32938
63-32939