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DEPARTMENT OF
WATER RESOURCES

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

JUL 31 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

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

) FOR WATER RIGHTS: 37-00514 &
) 37-04403
)

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned 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 a recommendation for the elements for each of these water rights.

A *Motion to File Late Objection* was filed for each water right by Pat Bennett on August 29, 2008. A hearing was held on the *Motions* on March 4, 2009. The *Motions to File Late Objection* were denied. *Order Denying Motion to File Late Objection* (March 17, 2009). There are no remaining objections in these water rights and they will be recommended consistent with the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED the above-captioned water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: July 31, 2009.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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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)
)
Case No. 39576)
_____)

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

Water Right 37-00514

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

JUL 31 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: QUARTER CIRCLE LAZY H INC
C/O ELDEN THOMPSON
1668 CLOVER CREEK RD
BLISS, ID 83314

BLISS POINT CATTLE INC
C/O LORNA BARD
345 E SPRING COVE RD
BLISS, ID 83314

SOURCE: MALAD RIVER TRIBUTARY: CAMAS CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION: T01S R11E S31 NESENE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Elmore County
T01S R11E S31	SENE 1.3	NESE 9.8
	SESE 6.9	
S32	SWNW 11.0	NESW 36.0
	NWSW 37.0	SWSW 38.0
	SESW 39.0	
179.0 Acres Total		

This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 179 acres in a single irrigation season.
Combined Right Nos.: 37-514 and 37-4403.

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

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPERATE SOURCE PURSUANT TO BASIN 37 PART 2 GENERAL PROVISION NO.
1A. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT
PURSUANT TO IDAHO CODE SEC. 42-222 OR SUCCESSOR STATUTE, NOTHING
IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR
ENTITY FROM DEMONSTRATING THAT SUCH A CHANGE IN USE WOULD CAUSE
INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED
BY LAW IN THE EVENT OF INJURY.

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

JUL 31 2009

Shigella Libbey
SPECIAL MASTER

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

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

JUL 31 2009

In Re SRBA)
)
Case No. 39576)

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

Water Right 37-04403

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: QUARTER CIRCLE LAZY H INC
C/O ELDEN THOMPSON
1668 CLOVER CREEK RD
BLISS, ID 83314

BLISS POINT CATTLE INC
C/O LORNA BARD
345 E SPRING COVE RD
BLISS, ID 83314

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DEPARTMENT OF
WATER RESOURCES

SOURCE: SPRING TRIBUTARY: UNNAMED STREAM
MALAD RIVER TRIBUTARY: CAMAS CREEK

QUANTITY: 3.58 CFS

PRIORITY DATE: 12/14/1909

POINT OF DIVERSION: T01S R11E S31 NESENE Within Elmore County
SENESE
NESESE
S32 NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.58 CFS

PLACE OF USE:	Irrigation	Within Elmore County
T01S R11E S31	SENE 1.3	NESE 9.8
	SESE 6.9	
S32	SWNW 11.0	NESW 36.0
	NWSW 37.0	SWSW 38.0
	SESW 39.0	
179.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 179 acres in a single irrigation season.
Combined Right Nos.: 37-514 and 37-4403.

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BY LAW IN THE EVENT OF INJURY.

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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RECOMMENDATION

JUL 31 2009

Bigghe Lilacy
SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 31 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): 37-00514

37-04403

On July 31, 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 July 31, 2009.



JANET CONNELL
Deputy Clerk

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 31 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

CERTIFICATE OF MAILING

Water Right(s) : 37-00514
37-04403

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 July 31, 2009, with sufficient first-class postage prepaid to the following:

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

BLISS POINT CATTLE INC
QUARTER CIRCLE LAZY H INC

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

PAT BENNETT
PO BOX 113
HILL CITY, ID 83337
Phone: 208-764-2216

CERTIFICATE OF MAILING

Janet Connell PAGE 1
JANET CONNELL 07/31/09
Deputy Clerk