

DEPARTMENT OF
WATER RESOURCES

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

SEP 16 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

Case No. 39576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION ON MOTION
TO SET ASIDE SPECIAL MASTER'S
REPORT; AMENDED SPECIAL
MASTER'S REPORT AND
RECOMMENDATION**

WATER RIGHT: 21-4140

I. PROCEDURAL BACKGROUND

A *Special Master's Report and Recommendation* was issued for this water right on March 31, 2008. Several Months later, a *Motion to Set Aside SF5 and Special Master's Report and Motion to File Amended Notice of Claim* was filed by Eagle Ridge Ranch LLC. The procedural history of this case is somewhat unique in that the basis for seeking to amend the claim was not discovered until some time after the *Motions to Alter or Amend* were due. Due to the unusual procedural history of this water right, this subcase was recommitted to Special Master Brigitte Bilyeu for further review with the terms of the *Order of Reference Appointing Brigitte Bilyeu as Special Master for Irrigation and Other Claims in Reporting Area 17, Basin 21*, filed April 11, 2006. A hearing was held on the *Motions* on April 8, 2009.

II. FINDINGS OF FACT

There was no opposition to the *Motion to Set Aside SF5 and Special Master's Report and Motion to File Amended Notice of Claim. Order Granting Motion to Amend Claim, Setting Deadlines and Status Conference* (April 28, 2009) An *Amended Director's Report* was filed on May 28, 2009. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside SF5 and Special Master's Report* be **granted**, and that this water right be **decreed** with the elements set forth in the attached *Amended Special Master's Recommendation for Partial Decree*. The recommended elements are consistent with the *Amended Director's Report*.

Dated: September 16, 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

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

SEP 16 2009

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-04140

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: EAGLE RIDGE RANCH LLC
2880 N 55 W
IDAHO FALLS, ID 83402

SOURCE: BLUE LAKE TRIBUTARY: SHEEP CREEK

QUANTITY: 100.00 AFY

PRIORITY DATE: 10/01/1935

POINT OF DIVERSION: T13N R42E S14 SENWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	11.00 AFY
	Stockwater from Storage	01-01 TO 12-31	11.00 AFY
	Recreation Storage	01-01 TO 12-31	100.00 AFY

PLACE OF USE:	Stockwater Storage	Within Fremont County
	T13N R42E S14 NWSW	SWSW
	S15 LOT 3 (NESE)	
	Stockwater from Storage	Within Fremont County
	T13N R42E S14 NWSW	SWSW
	S15 LOT 3 (NESE)	
	Recreation Storage	Within Fremont County
	T13N R42E S14 NWSW	SWSW
	S15 LOT 3 (NESE)	

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

SEP 16 2009

Bigelow Lilley
SPECIAL MASTER

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

RECEIVED
SEP 17 2009
DEPARTMENT OF
WATER RESOURCES

RECEIVED

SEP 17 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 16 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	)	NOTICE OF ISSUANCE OF
	)	AMENDED SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right (s) : 21-4140

On September 16, 2009 Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE SPECIAL MASTER'S REPORT; AMENDED SPECIAL MASTER'S REPORT AND 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: September 16, 2009.


JANET CONNELL
Deputy Clerk

RECEIVED

SEP 17 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 16 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)

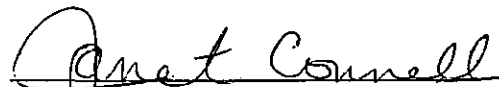
Water Right (s) : 21-4140

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTERS REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE SPECIAL MASTER'S REPORT; AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on September 16, 2009, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, Idaho 83720-0098

Eagle Ridge Ranch LLC
Represented by:
Robert Harris
1000 Riverwalk Dr., Ste 200
PO Box 50130
Idaho Falls, Idaho 83405


Deputy Clerk