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OCT 26 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 23 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
	)	WATER RIGHT NO.: 37-2751, 37-11418,
	)	37-12390 and 37-22104

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 Muldoon Grazing Association, Inc. on July 14, 2007. The *Objections* were resolved with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

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 Recommendations for Partial Decree*.

DATED: October 23, 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

OCT 23 2009

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02751

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY, ID 83333

SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 5.33 CFS

PRIORITY DATE: 10/31/1966

POINT OF DIVERSION: T03N R21E S26 SENENE Within Blaine County
NWSNW
NWSSEW

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DEPARTMENT OF
WATER RESOURCES

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 11-01 5.33 CFS

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before May 1 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 Blaine County

T03N R21E S26	NENE 0.7	NWNE 0.9
	SWNE 21.0	SENE 17.0
	NESW 29.0	SESE 28.0
	NWSE 2.7	
S34	NESE 6.6	SESE 28.0
S35	NENW 25.0	NWNW 4.9
	SWNW 17.0	SENE 20.0
	NESW 1.0	NWSW 32.0
	SWSW 16.0	

249.8 Acres Total

This right is limited to the irrigation of 122 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).

RECOMMENDATION

OCT 23 2009

Bigelow
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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-11418

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 23 2009
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY, ID 83333

SOURCE: WASTE WATER TRIBUTARY: COPPER CREEK

QUANTITY: 1.20 CFS

PRIORITY DATE: 10/31/1966

POINT OF DIVERSION: T03N R21E S23 SESESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.20 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T03N R21E S23 SWSE 12.0 SESE 19.0	
	S26 NENE 12.0 NWNE 16.0	
	NENW 1.0	
	60.0 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.

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

RECOMMENDATION
OCT 23 2009
<i>Digetto Lilley</i> SPECIAL MASTER

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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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-12390

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

OCT 23 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY, ID 83333

SOURCE: DEEP GULCH CREEK TRIBUTARY: COPPER CREEK

QUANTITY: 0.05 CFS

PRIORITY DATE: 05/01/1959

POINT OF DIVERSION: T03N R21E S14 NESWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.05 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T03N R21E S14	SWNE 3.9 NWSE 4.5 SWSE 1.3
	9.7 Acres Total	

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

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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

OCT 23 2009

Bigelle 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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22104

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 23 2009
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY, ID 83333

SOURCE: BUCK CREEK TRIBUTARY: MULDOON CREEK

QUANTITY: 0.01 CFS

PRIORITY DATE: 05/01/1959

POINT OF DIVERSION: T03N R21E S25 NENENE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Blaine County
T03N R21E S25 NENE 2.2
2.2 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
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
OCT 23 2009
<i>Bridgette Lilley</i> SPECIAL MASTER

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WATER RESOURCES

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

OCT 23 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): 37-02751
37-11418 37-12390 37-22104

On October 23, 2009, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 October 23, 2009.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 23 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): 37-02751
37-11418 37-12390 37-22104

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 October 23, 2009, with sufficient first-class postage prepaid to the following:

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

MULDOON GRAZING ASSN INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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10/23/09