

RECEIVED
NOV 10 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 9 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 NOS.: 37- 449B and 37-
)	21476

I. FINDINGS OF FACT


A claim was filed for the above listed water right 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 of this water right.

No objections were filed for water rights 37-449B and 37-21476. Water rights 37-449B and 37-21476, however, are used in combination with water rights 37-653 and 655B, which were the subject of *Objections*. The *Objections* were resolved on October 21, 2009 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*. There are no unresolved objections remaining.

II. CONCLUSIONS OF LAW

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: November 9, 2009.



 BRIGETTE BILYEU
 Special Master
 Snake River Basin Adjudication

NOV - 9 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)
_____)

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

Water Right 37-00449B

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: SPRING CREEK IDAHO RANCH LLC
PO BOX 4380
KETCHUM, ID 83340

SOURCE: SPRING CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.17 CFS

A measuring device and lockable controlling works of a type
acceptable to the Department shall be permanently installed and
maintained as part of the diverting works.

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION: T01S R18E S14 SWSEW Within Blaine County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.17 CFS

PLACE OF USE: Irrigation Within Blaine County
T01S R18E S14 SESW 6.0
6.0 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
NOV 09 2009
Bridgette Delaney
SPECIAL MASTER

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

NOV - 9 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 37-21476

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WATER RESOURCES

NAME AND ADDRESS: SPRING CREEK IDAHO RANCH LLC
 PO BOX 4380
 KETCHUM, ID 83340

SOURCE: WILLOW CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.65 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/15/1881

POINT OF DIVERSION: T01S R18E S13 SWSWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	0.65 CFS
	Stockwater	05-01 TO 09-15	0.02 CFS

PLACE OF USE:	Irrigation	Stockwater	Within Blaine County
	T01S R18E S14	SESW 1.8	SWSE 2.6
	S23	NENE 1.2	NWNE 19.0
		NENW 35.0	NWNW 22.0
	81.6 Acres Total		
	T01S R18E S14	SESW	SWSE
	S23	NENE	NWNE
		NENW	NWNW

Right Nos. 37-655B and 37-21476 are limited to the irrigation of a combined total of 81.6 acres in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 96.5 acres in a single irrigation season. Combined Right Nos.: 37-655B, 37-21476 & 37-653.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

NOV 09 2009

Briette Silvey

SPECIAL MASTER

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WATER RESOURCES

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

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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): 37-00449B
37-21476

On November 09, 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 November 09, 2009.



 JANET CONNELL
 Deputy Clerk

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

CERTIFICATE OF MAILING


Water Right(s) : 37-00449B
37-21476

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 November 09, 2009, with sufficient first-class postage prepaid to the following:

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

SPRING CREEK IDAHO RANCH LLC
PO BOX 4380
KETCHUM, ID 83340



 JANET CONNELL
 Deputy Clerk