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NOV 25 2009
DEPARTMENT OF
WATER RESOURCES

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

NOV 24 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)
) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
Case No. 39576) FACT AND CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS: 22-684,
) 22-13774 AND 22-13775
)

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-00059H 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.

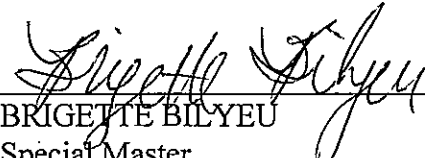
An *Objection* was filed by the Carole Hofley Trust and the Hofley Family Investment on July 16, 2007. A *Notice of Completed Administrative Proceeding* was filed on September 4, 2007 which split the former parent right 22-684 into assigned split right numbers 22-13774 and 22-13775. The *Objection* was resolved by the filing of a *Standard Form 5* on January 7, 2009. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 22-684 to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-684 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-13774 and 22-13775 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED Nov. 24, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13774

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 24 2009
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: CAROLE S HOFLEY LIVING TRUST
PO BOX 1447
WILSON, WY 83014

SOURCE: BELL CREEK TRIBUTARY: TETON RIVER
GRIFFITH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 2.28 CFS

PRIORITY DATE: 08/01/1904

POINT OF DIVERSION: T05N R45E S20 SENESW Within Teton County
SESWSW
SESWSW
SESWSW
S29 SNNWSE
SNNWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	2.28 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S19	NESE 30.0 SESE 30.0 S30 NENE 14.0
	114.0 Acres Total	NWSE 40.0

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
NOV 24 2009
<i>Bigelow Lilley</i> SPECIAL MASTER

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

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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): 22-00684
22-13774 22-13775

On November 24, 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 November 24, 2009.


JANET CONNELL
Deputy Clerk

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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): 22-00684
22-13774 22-13775

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 24, 2009, with sufficient first-class postage prepaid to the following:

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

ROBERT J WILSON
Represented by:
RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

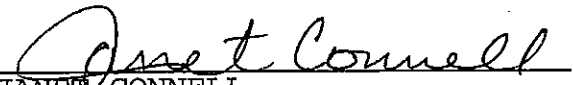
CERTIFICATE OF MAILING

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CAROL HOFLEY TRUST AND HOFLEY
CAROLE S HOFLEY LIVING TRUST
DUCK BELL LLC
HOFLEY FAMILY INVESTMENT LLC

Represented by:

ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


JANET CONNELL
Deputy Clerk