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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
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
	)	
	)	FOR WATER RIGHTS: 37-13137, 37-
	)	22238, 37-22259, 37-22260

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-13137 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.

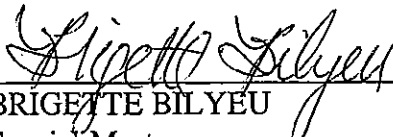
All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-13137 into assigned split right numbers 37-22238, 37-22259 and 37-22260. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 37-13137 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 37-13137 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22238, 37-22259, and 37-22260 be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: November 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 37-22238

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

NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD, ID 83327

SOURCE: SPRING TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.05 CFS

This right shall be used in conjunction with water right nos.
37-22259 and 37-22260 and is limited to a total combined
diversion rate of 0.05 cfs and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION: T01N R15E S14 NWNENW Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 10-15	0.05 CFS

PLACE OF USE: Stockwater Within Camas County
T01N R15E S14 NENW

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.
Pursuant to the decision in Joyce Livestock v. United States (144
IDAHO 1, 156 P.3D 502 (Idaho 2007)), this water right is
appurtenant to real property that is not the place of use.
Property to which this water right is appurtenant is described as
follows pursuant to I.C. 42-1402:

T01N	R15E	S03	LOT 1	NENE
T01N	R15E	S03	LOT 2	NWNE
T01N	R15E	S03		SENE
T01N	R15E	S03	LOT 3	NENW
T01N	R15E	S03	LOT 4	NWNW
T01N	R15E	S03		SWNW
T01N	R15E	S03		NESW
T01N	R15E	S03		NWSW
T01N	R15E	S03		SWSW
T01N	R15E	S03		SESW
T01N	R15E	S03		NESE
T01N	R15E	S03		SESE
T01N	R15E	S10		NENE
T01N	R15E	S10		SWNE
T01N	R15E	S10		NENW
T01N	R15E	S10		NWNW
T01N	R15E	S10		SENW
T01N	R15E	S10	LOT 1	NESE
T01N	R15E	S10		NWSE
T01N	R15E	S10		SWSE
T01N	R15E	S10		SESE
T01N	R15E	S11		SWNW
T01N	R15E	S11		SENW
T01N	R15E	S11		NESW
T01N	R15E	S11	LOT 1	NWSW

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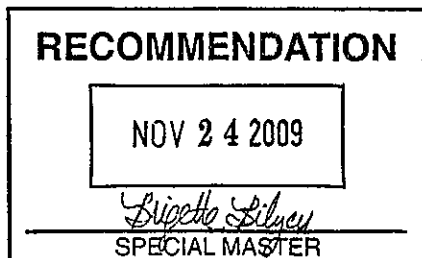
OTHER PROVISIONS (continued)

T01N	R15E	S11	LOT 2	SESW
T01N	R15E	S13		SWSW
T01N	R15E	S14	LOT 1	NENW
T01N	R15E	S14	LOT 2	NWNW
T01N	R15E	S14	LOT 3	SWNW
T01N	R15E	S14	LOT 4	SENW
T01N	R15E	S14		NESW
T01N	R15E	S14		SESW
T01N	R15E	S15		NENE
T01N	R15E	S15		NENW
T01N	R15E	S23		NENE
T01N	R15E	S23		NWNE
T01N	R15E	S23		SWNE
T01N	R15E	S23		SENE
T01N	R15E	S23		NENW
T01N	R15E	S23		SENW
T01N	R15E	S23		NESW
T01N	R15E	S23		NESE
T01N	R15E	S23		NWSE
T01N	R15E	S23		SWSE
T01N	R15E	S23		SESE
T01N	R15E	S24		NWNW
T01N	R15E	S24		SWNW
T01N	R15E	S24		SWSW
T01N	R15E	S24		SESW
T01N	R15E	S25		NENW
T01N	R15E	S25		NWNW
T01N	R15E	S25		SWNW
T01N	R15E	S25		NWSW
T01N	R15E	S25		SWSW
T01N	R15E	S25		SESW
T01N	R15E	S25		SWSE
T01N	R15E	S36		NENW
T01N	R15E	S36		NWNW
T01N	R15E	S36		SWNW
T01N	R15E	S36		SENW

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

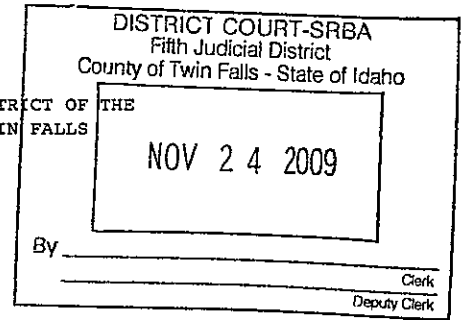
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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

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 37-22259



NAME AND ADDRESS: CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD, ID 83327

SOURCE: SPRING TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.05 CFS

This right shall be used in conjunction with water right nos.
37-22260 and 37-22238 and is limited to a total combined
diversion fater of 0.050 CFS and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION: T01N R15E S03 SWSWSW Within Camas County
SENESW
S10 NWSWSE
SWSWSE
NWNWSE
S11 SWNNWSE
SWSWSE
S14 LOT 4 (NWSWSE)
LOT 4 (SESWSE)

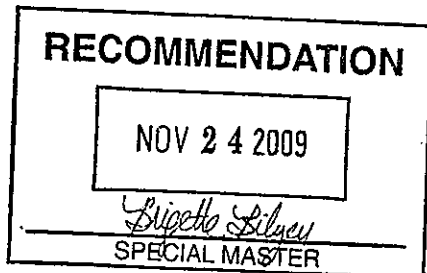
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-20	0.05 CFS

PLACE OF USE:	Stockwater	Within Camas County
	T01N R15E S03	SWSW NESE
	S10	SENW NWSE
	S11	NWNW SWNW
	S14 LOT 4	(SENW)

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

The quantity of water decreed for this water right 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).



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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

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

NOV 24 2009

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

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

Water Right 37-22260

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD, ID 83327

SOURCE: SPRING TRIBUTARY: COOKSTOVE CREEK

QUANTITY: 0.05 CFS

This right shall be used in conjunction with water right nos.
37-22259 and 37-22238 and is limited to a total combined
diversion rate of 0.050 CFS and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION: T01N R15E S15 NWSENE Within Camas County
NESWNW
SESWNW
SWSENW
S16 NWSWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-20	0.05 CFS

PLACE OF USE:	Stockwater	Within Camas County
	T01N R15E S15	SENE
		SENW
	S16	SWNE

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.
The ownership of water right no. 37-22260 is governed by a
private agreement executed by the Idaho Department of Lands and
Crichton Creek Ltd. Partnership.

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 24 2009

Dianna Diley
SPECIAL MASTER

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

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 24 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): 37-13137
37-22238 37-22259 37-22260

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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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 24 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): 37-13137
37-22238 37-22259 37-22260

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

CRICHTON CREEK LTD PARTNERSHIP
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING.

PAGE 1
11/24/09

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD, ID 83327


JANET CONNELL
Deputy Clerk