

DEPARTMENT OF
WATER RESOURCES

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

NOV 24 2009

DISTRICT OF THE _____ 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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**FOR WATER RIGHTS: 37-21439
37-22391, and 37-22392**

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-21439 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 Lori Rebischke on September 6, 2007. The *Objection* to the water right claim was resolved with the filing of a *Notice of Completed Administrative Proceeding* which resulted in splitting the former parent right 37-21439 into assigned split right numbers 37-22391 and 37-22392. The *Notice of Completed Administrative Proceeding* was placed on the Docket Sheet. No objections were filed, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-21439 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22391 and 37-22392 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: November 24, 2009.

Brigette Bilyeu
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

NOV 24 2009

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22391

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LENA CASTLE
C/O PHYLLIS BALDWIN
3155 W STATE
EAGLE, ID 83616

CARLYLE CASTLE
S G CASTLE II
PO BOX 399
BELLEVUE, ID 83313

FRANK I ARAMBARRI
7024 HILL RD
BOISE, ID 83703

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 0.35 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T01S R19E S24 NESENW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.35 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R20E S19	NWNE 34.0
	64.0 Acres Total	SWNE 30.0

Right Nos. 37-22389, 37-22391 and 37-22393 are limited to the
irrigation of a combined total of 64 acres 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).

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

Bicette L. Lacey
SPECIAL MASTER

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 37-22392

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS:

RON ARAMBARRI
PO BOX 1572
LINCOLN, MT 59639

GARY DAVID ARAMBARRI
1231 S 2375 W
SYRACUSE, UT 84075

JEFF HALL
12801 ELMORE RD
ANCHORAGE, AK 99516

RANDY HALL
12965 SW MORGAN CT
BEAVERTON, OR 97008

TONYA APPLGATE
15181 WOODLAND HEIGHTS RD
AMITY, OR 97101

LORI L REBISCHKE
6652 S HOGG RD
MARSING, ID 83639

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NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T01S R19E S24 NESENW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.03 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R20E S19 4.9 Acres Total	NWNE 3.0 SWNE 1.9

Right Nos. 37-22390, 37-22392 and 37-22394 are limited to the
irrigation of a combined total of 4.9 acres 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

NOV 24 2009

Bridgette Lilley
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

RECEIVED

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

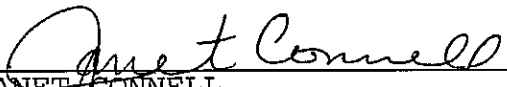
Water Right(s): 37-21439
37-22391 37-22392

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

RECEIVED

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

)

CERTIFICATE OF MAILING

Case No. 39576

)

)

)

Water Right(s): 37-21439
37-22391 37-22392

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

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C/O PHYLLIS BALDWIN
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EAGLE, ID 83616
Phone: 208-939-0109

RON ARAMBARRI
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CARLYLE CASTLE
PO BOX 399
BELLEVUE, ID 83312
Phone: 208-788-4898

CERTIFICATE OF MAILING

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Phone: 208-853-5555



JANET CONNELL
Deputy Clerk