

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

Clerk

Deputy Clerk

Case No. 39576

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

FOR WATER RIGHTS: 37-21723, 37-22233, and 37-22234.

A notice of claim was filed for water right 37-21723 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 United States Bureau of Land Management (“BLM”) on May 23, 2007. A *Notice of Completed Administrative Proceeding* (“NCAP”) was filed on September 11, 2008, which split the former parent right 37-21723 into assigned split right numbers 37-22233 and 37-22234 and disallowed 37-21723. The NCAP resolved the BLM’s objection. Thereafter, the BLM filed a *Notice of Voluntary Dismissal of Objection; Subcase Number 37-21723* on September 29, 2009.

Based on the file and record herein, IT IS RECOMMENDED that water right 37-21723 not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22233 and 37-22234 be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: November 24, 2009

Brigitte Bilyeu
BRIGITTE 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 37-22233

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

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NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: JIMMY D KRAMER
MARIANNE KRAMER
RT 1 BOX 1065
FAIRFIELD, ID 83327

SOURCE: SPRING CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 343.80 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION
OF THE LANDS ABOVE.

PRIORITY DATE: 07/03/1918

POINT OF DIVERSION: T02S R15E S14 NWSWSE (Rediversion) Within Camas County
S22 NENWSE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION
DESCRIBED IN SECTION 14: 37-22231, 37-22232, 37-22233 AND
37-22234, IN ADDITION 37-22233 AND 37-22234 ARE DIVERTED IN
SECTION 22.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	343.80 AFY
	Irrigation from Storage	04-15 TO 10-31	343.80 AFY

THE STORAGE OF WATER UNDER THIS RIGHT IS CONTINGENT UPON
CONTINUED CERTIFICATION BY THE DEPARTMENT OF WATER RESOURCES
UNDER THE DAM SAFETY PROVISIONS OF THE IDAHO CODE, AUTHORIZING
STORAGE.

PLACE OF USE:	Irrigation Storage	Within Camas County
	T02S R15E S22	SWNE SENE NWSE

	Irrigation from Storage	Within Camas County
	T02S R15E S09	SWNE 19.0 SENE 16.0 NESE 35.0 NWSE 12.0 S10 SWNE 15.0 SNNW 17.0 SENE 40.0 SENE 3.5 NWSE 35.9 SWSE 4.1

RIGHTS 37-22231 AND 37-22233 WHEN COMBINED SHALL NOT EXCEED
THE IRRIGATION OF 250.6 ACRES.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 250.6 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHTS 37-22231, 37-22232, 37-22233 AND 37-22234 WHEN COMBINED
SHALL NOT EXCEED THE IRRIGATION OF 251.5 ACRES.

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

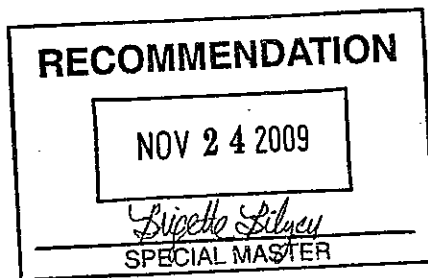
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

OTHER PROVISIONS (continued)

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 37-22234

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

NAME AND ADDRESS: JIMMY D KRAMER
MARIANNE KRAMER
RT 1 BOX 1065
FAIRFIELD, ID 83327

SOURCE: SPRING CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 1.20 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION
OF THE LANDS ABOVE.

PRIORITY DATE: 07/03/1918

POINT OF DIVERSION: T02S R15E S14 NWSWE (Rediversion) Within Camas County
S22 NENWSE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION
DESCRIBED IN SECTION 14: 37-22231, 37-22232, 37-22233 AND
37-22234, IN ADDITION 37-22233 AND 37-22234 ARE DIVERTED IN
SECTION 22.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	1.20 AFY
	Irrigation from Storage	04-15 TO 10-31	1.20 AFY

THE STORAGE OF WATER UNDER THIS RIGHT IS CONTINGENT UPON
CONTINUED CERTIFICATION BY THE DEPARTMENT OF WATER RESOURCES
UNDER THE DAM SAFETY PROVISIONS OF THE IDAHO CODE, AUTHORIZING
STORAGE.

PLACE OF USE:	Irrigation Storage	Within Camas County
	T02S R15E S22	SWNE S22 SENW NWSE
	Irrigation from Storage	Within Camas County
	T02S R15E S09	SWNE 19.0 NESE 35.0 SWNE 15.0 SENW 14.0 NWSW 40.0 NWSE 35.9
	S10	SENE 16.0 NWSW 12.0 SWNW 17.0 NESW 40.0 SESW 3.5 SWSE 4.1
	251.5 Acres Total	

RIGHTS 37-22232 AND 37-22234 WHEN COMBINED SHALL NOT EXCEED
THE IRRIGATION OF 0.9 ACRES.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.9 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHTS 37-22231, 37-22232, 37-22233 AND 37-22234 WHEN COMBINED
SHALL NOT EXCEED THE IRRIGATION OF 251.5 ACRES.

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

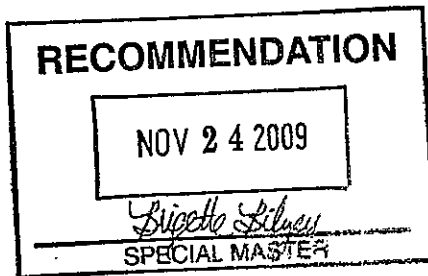
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

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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

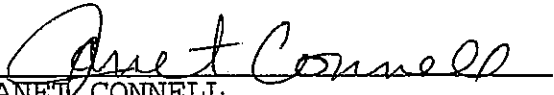
Water Right(s): 37-21723
37-22233 37-22234

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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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

CERTIFICATE OF MAILING

Water Right(s): 37-21723
37-22233 37-22234

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

JIMMY D KRAMER
MARIANNE KRAMER
RT 1 BOX 1065
FAIRFIELD, ID 83327
Phone: 208-764-2378


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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11/24/09