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DEC 31 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 DEC 30 PM 2 51

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 NO.: 22-628A
	)	

I. FINDINGS OF FACT

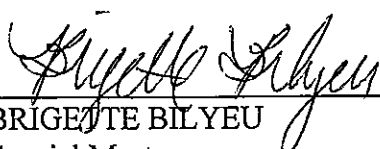
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Amended Notice of Claim* was filed for this water right Feb. 28, 2007. *See, Order Identifying Amended Claim* (May 31, 2007). *Notices of Completed Administrative Proceeding* filed June 6 and June 14, 2007 changed the identification of the claimant. An *Amended Director's Report* was filed May 28, 2008. The *Amended Director's Report* was placed on the Docket Sheet. No *Objections* were filed to the *Amended Director's Report*, and the time for filing such objections has now expired. However, this right is related to a late claim which was filed for 22-13781.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: December 30, 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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
Case No. 39576)

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

Water Right 22-00628A

FILED

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NAME AND ADDRESS: IDAHO RANCH SUBDIVISION LLC
PO BOX 362
VICTOR, ID 83455

SOURCE: PONY CREEK TRIBUTARY: CANYON CREEK

QUANTITY: 6.00 CFS

RIGHT NOS. 22-628A AND 22-13781 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 06/25/1917

POINT OF DIVERSION: T06N R43E S33 SESESE Within Teton County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	6.00 CFS

PLACE OF USE:	Irrigation	Within Teton County
T06N R43E S29	SWSW 28.0	SESW 22.0
S32	NENW 35.0	NWNW 37.0
	NESE 5.1	
S33	NWNW 5.2	SWNW 36.0
	SESW 3.4	NESW 34.0
	NWSW 31.0	SESW 18.0
	NWSE 18.0	SWSE 40.0
	SESE 3.1	
315.8 Acres Total		

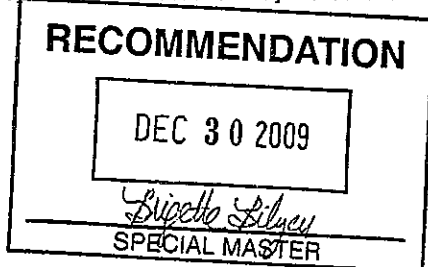
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 122 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 22-628A AND 22-13781 ARE LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 315.8 ACRES IN A SINGLE IRRIGATION SEASON.

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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 22-00628A

On December 30, 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 December 30, 2009.

Janet Connell
JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 22-00628A

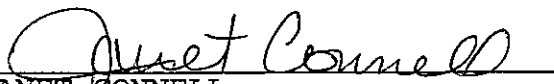
CERTIFICATE OF MAILING

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 December 30, 2009, with sufficient first-class postage prepaid to the following:

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

IDAHO RANCH SUBDIVISION LLC

Represented by:
GORDON S THATCHER
THATCHER LAW OFFICE, PLLC
116 S CENTER
PO BOX 216
REXBURG, ID 83440
Phone: 208-359-5885


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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12/30/09