

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 DEC 30 PM 2 20

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: 22-13381
22-13870 and 22-13871**

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-13381 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.

Objections were filed to 22-13381 by Beulah Brower and Kolene Later. A *Notice of Completed Administrative Proceeding* was filed on November 28, 2008. The *NCAP* recommended 22-13381 be disallowed and split into 22-13870 and 22-13871. *Standard Forms*⁵ were filed for 22-13870 and 22-13871. All parties to the subcases and IDWR are signatories to the *Standard Forms*. The parties stipulated that water right 22-13870 should be disallowed and not be included in any partial decree.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water rights 22-13381 and 22-13870 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water right 22-13871 be **decreed** with the elements as 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 TO
I.R.C.P. 54(b) FOR
Water Right 22-13871

FILED
2009 DEC 30 PM 2 20

NAME AND ADDRESS: STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY, ID 83442-0097

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DEPARTMENT OF
WATER RESOURCES

SOURCE: GROUND WATER

QUANTITY: 0.80 CFS
189.00 AFY

PRIORITY DATE: 10/31/1960

POINT OF DIVERSION: T06N R45E S08 SWNESW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.80 CFS 189.00 AFY

PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S08 SWSW 36.0 57.0 Acres Total	SESW 21.0

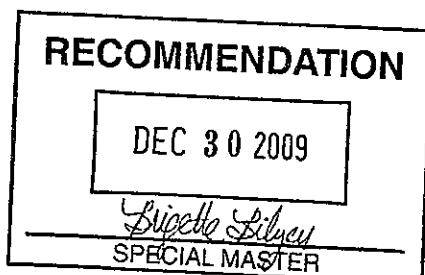
This right is limited to the irrigation of 54 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 57 acres in a single irrigation season.
Combined Right Nos.: 22-13867, 22-13869 and 22-13871.

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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Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 22-13381
22-13870 22-13871

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
Deputy Clerk

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 22-13381
22-13870 22-13871

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

BEULAH BROWER
KOLENE LATER

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

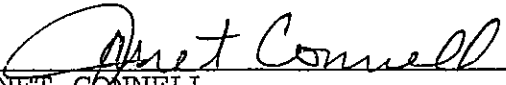
STATE OF IDAHO
IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY, ID 83442-0097

CERTIFICATE OF MAILING

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12/30/09

ANITA COOKE
BRETT COOKE
50 EAST WALLACE
DRIGGS, ID 83422

MERRILL BROWER & SONS INC
642 JEFFERY PL
CHUBBUCK, ID 83202-5368
Phone: 208-456-2803



JANET CONNELL
Deputy Clerk