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DEC 31 2009

DEPARTMENT OF
WATER RESOURCES

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

2009 DEC 30 PM 2 09

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

) WATER RIGHT NOS.: 22-13904
) (Split from 22-13377)

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-13377 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 water right 22-13377.

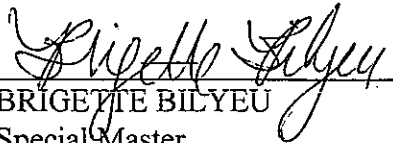
Objections were filed by Beulah Brower and Kolene Later. A *Notice of Completed Administrative Proceeding* was filed on November 28, 2008. The NCAP split the original right 22-13377 into 22-13881, 22-13882, 22-13903, 22-13904, 22-13905, and 22-13906. An Initial hearing was held on August 19, 2008. The W. Reid and Marjean Brower Family Trust failed to attend. The claimants also failed to attend Status Conferences on October 8, 2008, April 15, 2009 and September 30, 2009. The Court issued an *Order to Show Cause* why the court should not recommend 22-13904 pursuant to the proposed *Standard Form 5* Settlement Agreement.

An Order to Show Cause hearing was held on November 20, 2009. The claimant failed to attend the hearing. Therefore, the court will recommend 22-13904 consistent with the proposed *Standard Form 5*.

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
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In Re SRBA)
)
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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-13904

2009 DEC 30 PM 2 09

NAME AND ADDRESS: W REID AND MARJEAN BROWER
FAMILY TRUST
881 HWY 32
TETONIA, ID 83452

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WATER RESOURCES

SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.83 CFS

PRIORITY DATE: 01/18/1905

POINT OF DIVERSION: T06N R45E S08 NWNESE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.83 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T06N R45E S17 36.5 Acres Total	NWNW 1.5 SWNW 35.0

Right nos. 22-13900 and 22-13904 are limited to the irrigation
of a combined total of 36.5 acres in a single irrigation
season.

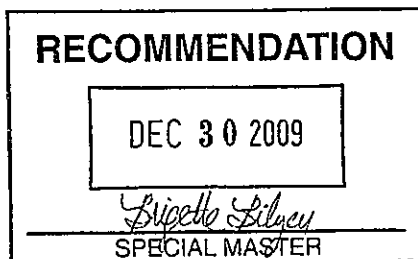
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 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) : 22-13904

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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CERTIFICATE OF MAILING

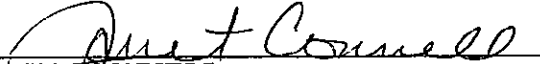
Water Right(s): 22-13904

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

W REID AND MARJEAN BROWER
FAMILY TRUST
881 HWY 32
TETONIA, ID 83452


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/30/09