

RECEIVED
JAN 25 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 21 2010
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 37-7857, 37-7865
	)	and 37-7922

I. FINDINGS OF FACT

Claims were filed for the above listed water rights 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 recommendations for the elements of these water rights. An *Objection* was filed by Gary and Helen DeMoss on March 10, 2006. The *DeMosses' Withdrawal of Objection* was filed on May 4, 2007. A hearing was held on September 26, 2007. There was no opposition to the withdrawal of the *Objections*. *Order Dismissing Objection* (September 28, 2007) There are no objections remaining in these subcases. However, the Idaho Department of Water Resources notified the court that these water claims were recommended as permits, and were in the process of being licensed. A *Notice of Completed Administrative Proceeding* was filed on March 25, 2009 which provided notice that these water rights have been licensed.

The license contains some notable provisions which pertain to the power purpose of use. For example, one provision notes that this hydropower right is based on a state hydropower license which is subject to periodic review. Another provision explains that "The right holder shall operate in run-of-river mode only and shall act to minimize the fluctuation of streamflow immediately downstream of the location where water is discharged in the Malad River." This language was added to explain that operation of the water right shall emulate the conditions of the river. The amount of water discharged from the power plant should approximately equal the amount of water diverted at the point of diversion. This right is recommended based on the elements contained in the license.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: January 21, 2010.



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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-07857

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 21 2010
By _____ Clerk RECEIVED Deputy Clerk

NAME AND ADDRESS: HARRIETT B RAVENSCROFT
VERNON F RAVENSCROFT
1331 SHOE STRING RD
BLISS, ID 83314-5119

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 20.00 CFS
10948.90 AFY

PRIORITY DATE: 09/25/1980

The rights for the use of water confirmed in this right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION: T06S R14E S28 SWNW Within Gooding County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	20.00 CFS 10948.90 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: Power Within Gooding County
T06S R14E S29 NWSW

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

The right holder shall operate in run-of-river mode only and shall act to minimize the fluctuation of streamflow immediately downstream of the location where water is discharged into the Malad River.
The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after May 1, 2018. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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
JAN 21 2010
<i>Digetto Silvey</i> 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.

Eric J. Wildman
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 37-07865

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 21 2010	
By _____	Clerk Deputy Clerk

NAME AND ADDRESS: HARRIETT B RAVENSCROFT
VERNON F RAVENSCROFT
1331 SHOE STRING RD
BLISS, ID 83314-5119

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 130.00 CFS
67500.00 AFY

PRIORITY DATE: 11/05/1980

The rights for the use of water confirmed in this right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION: T06S R14E S28 SWNW Within Gooding County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	130.00 CFS 67500.00 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE: Power Within Gooding County
T06S R14E S29 NWSW

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

The right holder shall operate in run-of-river mode only and shall act to minimize the fluctuation of streamflow immediately downstream of the location where water is discharged into the Malad River.

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RECOMMENDATION
JAN 21 2010
<i>Digella Silvey</i> SPECIAL MASTER

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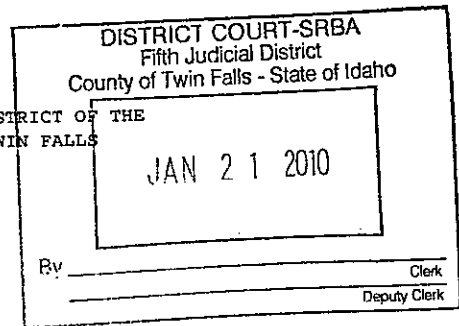
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
)
Case No. 39576)

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

Water Right 37-07922



RECEIVED

JAN 25 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: HARRIETT B RAVENSCROFT
VERNON F RAVENSCROFT
1331 SHOE STRING RD
BLISS, ID 83314-5119

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 50.00 CFS
23400.00 AFY

PRIORITY DATE: 07/10/1981

The rights for the use of water confirmed in this right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION: T06S R14E S28 SWNW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	50.00 CFS 23400.00 AFY

Use of water under this right shall be non-consumptive.

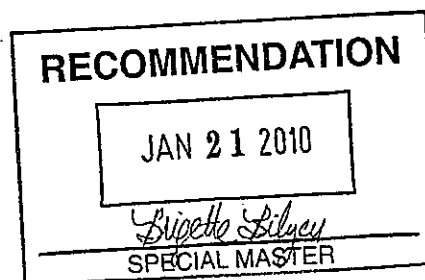
PLACE OF USE: Power Within Gooding County
T06S R14E S29 NWSW

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

The right holder shall operate in run-of-river mode only and shall act to minimize the fluctuation of streamflow immediately downstream of the location where water is discharged into the Malad River.

The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after May 1, 2018. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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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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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 21 2010
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

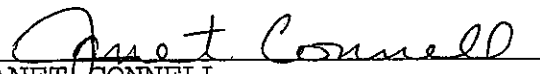
Water Right(s): 37-07857
37-07865 37-07922

On January 21, 2010, 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 January 21, 2010.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

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JAN 21 2010
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

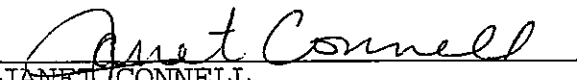
Water Right(s): 37-07857
37-07865 37-07922

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 January 21, 2010, with sufficient first-class postage prepaid to the following:

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

HARRIETT B RAVENSCROFT
VERNON F RAVENSCROFT
1331 SHOE STRING RD
BLISS, ID 83314-5119
Phone: 208-345-2670


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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01/21/10