

**DEPARTMENT OF
WATER RESOURCES**

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

FEB 10 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

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

WATER RIGHT NO.: 22-7349

I. FINDINGS OF FACT

A 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.

No objection was filed for water right 22-7349. However, the Idaho Department of Water Resources notified the court that this water claim was recommended as a permit, but was in the process of being licensed. A *Notice of Completed Administrative Proceeding* was filed on August 24, 2009 which provided notice that this water right has been licensed.

The *Notice of Completed Administrative Proceeding* was placed on the Docket Sheet. No *Objections* were filed to the *Notice of Completed Administrative Proceeding*, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

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: February 10, 2010.

Brigette Bilyeu
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 22-07349

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

FEB 10 2010

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HIBBERT FARMS INC
1108 N 700 W
DRIGGS, ID 83422

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 1.29 CFS
512.00 AFY

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
field headgate for irrigation of the lands herein.

PRIORITY DATE: 03/12/1981

POINT OF DIVERSION: T06N R44E S03 LOT 2 (NWNE) Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	1.29 CFS 512.00 AFY

PLACE OF USE:	Irrigation	Within Teton County
T06N R44E S02 LOT 1	(NENE) 38.0	LOT 2 (NWNE) 38.0
	SWNE 39.0	SENE 34.0
LOT 3	(NENW) 38.0	LOT 4 (NWNW) 38.0
	SWNW 39.0	SENW 39.0
	NESW 40.0	NWSW 39.0
	NESE 36.0	NWSE 39.0
T07N R44E S33	SWNE 3.0	SENE 20.0
	NESE 40.0	NWSE 6.0
	SESE 20.0	
S34	SWNE 16.0	SENE 19.0
	SWNW 20.0	SENW 19.0
	NESW 39.0	NWSW 40.0
	SWSW 15.0	SESW 13.0
	NESE 39.0	NWSE 35.0
	SWSE 19.0	SESE 37.0
	857.0 Acres Total	

Right Nos. 22-7373 and 22-7349 are limited to the irrigation of
a combined total of 861 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).

RECOMMENDATION

FEB 10 2010

Bruce Allen
SPECIAL MASTER

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FEB 11 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 10 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) : 22-07349

On February 10, 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 February 10, 2010.



JANET CONNELL
Deputy Clerk

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FEB 11 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 10 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s) : 22-07349

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 February 10, 2010, with sufficient first-class postage prepaid to the following:

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

HIBBERT FARMS INC
1108 N 700 W
DRIGGS, ID 83422
Phone: 208-354-3699


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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