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MAR 02 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 1 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 22-2236A,
	)	22-13958 AND 22-13959

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-2236A 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.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 22-2236A into assigned split right numbers 22-13958 and 22-13959. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 22-2236A to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

A *Special Master's Report and Recommendation* issued on February 23, 2010. However, the *Special Master's Report and Recommendation* contained a clerical error in the place of use element for 22-13958, listing T6N R40E S32 NWSW. The correct legal description should be T6N R40E S32 NWNW. This *Amended Special Master's Report and Recommendation* corrects that error.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-2236A **not** be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-13958 and 22-13959 be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: March 1, 2010.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

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 22-13958

NAME AND ADDRESS: B & B FARMS
C/O BYRON JENSEN
5975 W 3800 S
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 1.46 CFS
491.00 AFY

Right Nos. 22-13797 and 22-13958 are limited to a total combined annual diversion volume of 491 AF.
Right Nos. 22-13958 and 22-13746 are limited to a total combined diversion rate of 1.46 cfs and to a total combined annual diversion volume of 619.7 AF.

PRIORITY DATE: 01/25/1965

POINT OF DIVERSION: T06N R40E S32 SENWSW Within Madison County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.46 CFS 491.00 AFY

PLACE OF USE:	Irrigation	Within Madison County
	T06N R40E S31	SENE 1.8
	S32	NESE 0.5
		NWNW 38.0
		SENW 35.0
		NWSW 27.0
	140.3 Acres Total	

Right Nos. 22-13797 and 22-13958 are limited to the irrigation of a combined total of 140.3 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.

RECOMMENDATION

MAR 01 2010

Lucretia Silvey
SPECIAL MASTER

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

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF AMENDED
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 22-02236A
22-13958 22-13959

On March 01, 2010, Special Master BRIGETTE BILYEU
issued a ^{Amended} 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 March 01, 2010.


JANET CONNELL
Deputy Clerk

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MAR - 1 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): 22-02236A
22-13958 22-13959

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ^{AMENDED} 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 March 01, 2010, with sufficient first-class postage prepaid to
the following:

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

NANCY COOK
STEPHEN COOK
Represented by:
BRECK H BARTON
PO BOX 100
REXBURG, ID 83440
Phone: 208-356-4880

B & B FARMS
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

CERTIFICATE OF MAILING

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03/01/10