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MAR 17 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 16 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 NO.: 21-10015

I. PROCEDURAL BACKGROUND

A notice of 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.

An *Objection* was filed by North Henry's Lake Homeowners Association, Inc. on May 4, 2006. A *Motion to File Amended Claim* was filed by North Henry's Lake Homeowners Association on May 4, 2006. A hearing was held on the *Motion* on April 25, 2007. There was no opposition to the *Motion*. The *Motion* was **granted**.

After the *Amended Notice of Claim* was filed, IDWR investigated the amended claim. An *Amended Director's Report* was filed. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

A *Special Master's Report and Recommendation* was issued on April 29, 2008. However, a *Motion to Alter or Amend* was filed by the State of Idaho on May 28, 2008. Hearings were held on the *Motion to Alter or Amend* on September 9, 2009 and March 3, 2010.

II. FINDINGS OF FACT

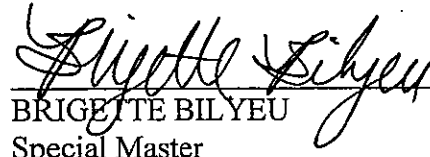
A *Stipulation to Resolve Motion to Alter or Amend* was filed on March 2, 2010. A *Standard Form 5* was filed on March 3, 2010. The *Stipulation to Resolve* and the related *Standard Form 5* resolved the issues in this subcase. After lengthy negotiations between the parties and significant legal and technical review by IDWR, the parties reached a resolution which was memorialized in the *Stipulation to Resolve* and the *Standard Form 5*.

The court has considered the procedural history of this subcase and the argument of counsel in ruling on the *Motion to Alter or Amend*. Considering the history, file of record, *Stipulation to Resolve*, and the *Standard Form 5*, the *Motion to Alter or Amend* was **granted**.

III. 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 *Amended Special Master's Recommendation for Partial Decree*.

DATED: March 16, 2010.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAR 16 2010

In Re SRBA)
PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
Water Right 21-10015

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: NORTH HENRYS LAKE HOMEOWNERS
ASSN INC C/O LANA ESPLIN, SEC.
3897 TETON ROAD
ISLAND PARK, ID 83429

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WATER RESOURCES

SOURCE: HOWE SPRINGS TRIBUTARY: UNNAMED STREAT
UNNAMED STREAM TRIBUTARY: HENRYS LAKE

QUANTITY: 1.50 CFS

Quantity under this right is limited to 0.50 cfs from the Howe
Springs source and 1.00 cfs from the unnamed stream source for a
combined diversion rate of 1.50 cfs.

PRIORITY DATE: 09/15/1904

POINT OF DIVERSION: T16N R43E S33 SESE Within Fremont County
S34 SWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.50 CFS

PLACE OF USE:
Place of use is within the area served by the public water supply
system of North Henrys Lake Homeowners Association. The place of
use is generally located within: Lot 1, Section 4, Township 15N,
Range 43E; Lot 1 and SESE, Section 33, Township 16N, Range 43E;
and SWSW, Section 34, Township 16, Range 43E.

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 16 2010

Eric J. Wildman
SPECIAL MASTER

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

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WATER RESOURCES

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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

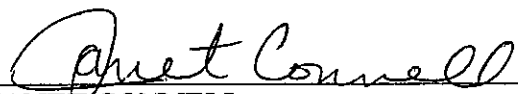
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION
	)	
Case No. 39576	)	Water Right (s) : 21-10015
_____	)	

On March 16, 2010 Special Master BRIGETTE BILYEU issued an AMENDED SPECIAL MASTER'S REPORT AND 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 AMENDED SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED: March 16, 2010.


JANEY CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 16 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) : 21-10015

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED SPECIAL MASTERS REPORT AND RECOMMENDATION was mailed on MARCH 16, 2010, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, Idaho 83720-0098

North Henry's Lake
Represented by:
Robert Harris
Luke Marchant
1000 Riverwalk Dr., Ste 200
PO Box 50130
Idaho Falls, Idaho 83405

State of Idaho
Represented by:
Natural Resources Div Chief
Attorney General's Office
PO Box 44449
Boise, Idaho 83711


Deputy Clerk