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APR 14 2010

DEPARTMENT OF
WATER RESOURCES

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

APR 13 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 NOS.: 27-4001 and
) 27-7013

I. FINDINGS OF FACT

A claim was filed for each of these 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.

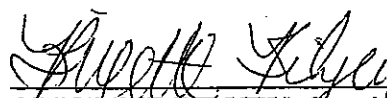
Objections were filed by the Shoshone-Bannock Tribes on March 14, 2006. The State of Idaho and the Committee of Nine filed *Responses*.

A Status Conference was held on April 7, 2010. At the hearing, the Shoshone-Bannock Tribes informed the court that it had filed a *Withdrawal of Objections to Water Right Claims* on March 25, 2010. The Tribes explained that they intended to withdraw their *Objections* as to both the boundary and volume issues. There was no opposition to the withdrawal of the *Objections*. The State of Idaho and the Committee of Nine moved to withdraw their *Responses*. There was no opposition to the withdrawal of the *Responses*. There are no unresolved objections or responses remaining in these subcases. These water rights will be recommended consistent with the *Director's Report*.

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: April 13, 2010.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

APR 13 2010

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 27-04001

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

LARUE RICH
1195 W 600 S
PINGREE, ID 83262

VIOLET B RICH
1213 W 600 S
PINGREE, ID 83262

SOURCE:

SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY:

48.61 CFS
35192.00 AFY

PRIORITY DATE:

06/01/1952

POINT OF DIVERSION:

T03S R34E S31 LOT 9 (NENE) Within Bingham County
LOT 11 (NESE)
LOT 10 (SENE)
LOT 11 (NESE)
S32 NWNW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Fish Propagation

PERIOD OF USE
01-01 TO 12-31

QUANTITY
48.61 CFS
35192.00 AFY

PLACE OF USE:

Fish Propagation Within Bingham County
T03S R34E S31 LOT 9 (NENE) LOT 14 (SWNE)
LOT 10 (SENE) LOT 11 (NESE)
NWSE LOT 12 (SESE)

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

APR 13 2010

Bugetto Lilley
SPECIAL MASTER

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

APR 13 2010

In Re SRBA

Case No. 39576

Water Right 27-07013

By _____ Clerk

Deputy Clerk

VIOLET B RICH
1213 W 600 S
PINGREE, ID 83262

POINT OF DIVERSION: T03S R34E S31 LOT 9 (NENE) Within Bingham County
 LOT 10 (SENE)
 LOT 11 (NESE)
 LOT 11 (NESE)
 S32 NWNW

Fish Propagation		Within Bingham County	
T03S R34E S31	LOT 9 (NENE)	LOT 14	(SWNE)
	LOT 10 (SENE)	LOT 11	(NESE)
	NWSE	LOT 12	(SESE)

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).

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.

APR 13 2010

Bugetto Lilysen
SPECIAL MASTER

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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
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 27-04001
27-07013

On April 13, 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 April 13, 2010.


JANET CONNELL
Deputy Clerk

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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 27-04001

27-07013

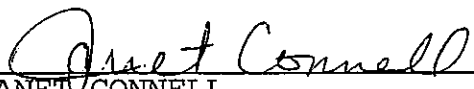
CERTIFICATE OF MAILING

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 April 13, 2010, with sufficient first-class postage prepaid to the following:

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

LARUE RICH
1195 W 600 S
PINGREE, ID 83262
Phone: 208-684-4737

VIOLET B RICH
1213 W 600 S
PINGREE, ID 83262
Phone: 208-684-4755


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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04/13/10