

DEPARTMENT OF
WATER RESOURCES

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

APR 15 2010

By _____
DISTRICT OF THE _____
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.: 37-468, 37-469,
37-470, 37-893A, 37-2554 and 37-22016**

I. FINDINGS OF FACT

A notice of 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.

No objections were filed to water rights 37-468, 37-469, 37-470, 37-893A, 37-2554 and 37-22016. These water rights, however, are used in combination with water right 37-4114 which was the subject of an *Objection*.

Objections were filed by Sinclair Oil Corporation and Newfoundland Partners on July 2, 2008. A *Joint Stipulation and Motion for Order Approving Withdrawal of Objections and Responses* was filed on December 21, 2009. The Court **granted** the *Motion. Order Dismissing Objections and Responses*. (January 22, 2010) There are no unresolved objections remaining in this subcase.

Water rights 37-468, 37-469, 37-470, 37-893A, 37-2554 and 37-22016 will be recommended consistent with the *Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records 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 15, 2010.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

APR 15 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00468

NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.50 CFS

PRIORITY DATE: 04/17/1883

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSENW (Rediversion)

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DEPARTMENT OF
WATER RESOURCES

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0
		SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0
		SWNW 20.0 SENW 34.0
	277.0 Acres Total	

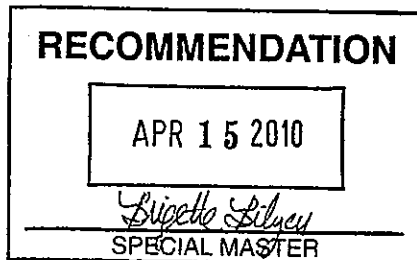
The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
37-4114 and 37-2554.
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

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.

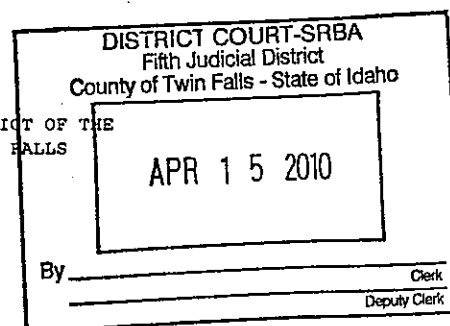


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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 37-00469



NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.50 CFS

PRIORITY DATE: 06/20/1884

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSENW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0
		SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0
		SWNW 20.0 SENW 34.0
	277.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
37-4114 and 37-2554.

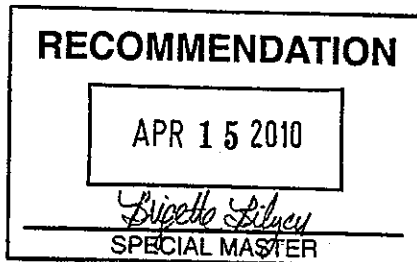
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

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).

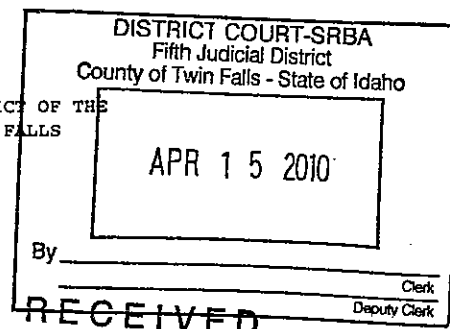
RULE 54(b) CERTIFICATE

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.



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 37-00470

NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/02/1890

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSESW (Rediversion)

This right is measured and administered at the point of
rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0 SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0 SWNW 20.0 SESW 34.0
	277.0 Acres Total	

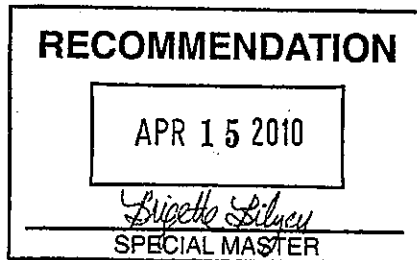
The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
37-4114 and 37-2554.
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

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).

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

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

APR 15 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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 37-00893A

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.69 CFS

PRIORITY DATE: 09/01/1920

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Upper Big Wood River Water Users Assn, et. al., plaintiff vs. S. H. Chapman, Watermaster, Defendant in the District Court of Lincoln County dated 8/28/1922.

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSENW (Rediversion)

This right is measured and administered at the point of rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.69 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0
		SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0
		SWNW 20.0 SENW 34.0
	277.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 277 acres in a single irrigation season. Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554, 37-4114 and 37-2554.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and 37-2554.

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

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not

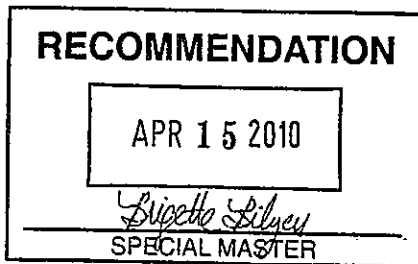
OTHER PROVISIONS (continued)

called for during the irrigation season.

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

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

APR 15 2010

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 37-02554

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 3.20 CFS
560.00 AFY

Right Nos. 37-2554, 37-4114 and 37-22016 are limited to a total
combined diversion rate of 4.52 cfs and to a total combined
annual diversion volume of 969.5 AFY.

PRIORITY DATE: 08/15/1954

POINT OF DIVERSION: T01N R19E S31 NWNWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.20 CFS 560.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0 SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0 SWNW 20.0 SENW 34.0
	277.0 Acres Total	

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The rights listed below are limited to the irrigation of a
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Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
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37-4114 and 37-2554.

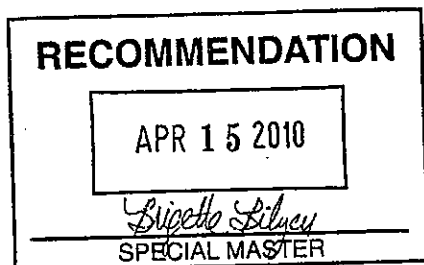
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall make full beneficial use of all surface
water rights available to the right holder for irrigation of the
lands authorized to be irrigated under this right. The right
holder shall limit the diversion of ground water under this
right to those times when the surface water supply is not
available or the surface water supply is not reasonably
sufficient to irrigate the place of use authorized under this
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
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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

By _____ Clerk

Deputy Clerk

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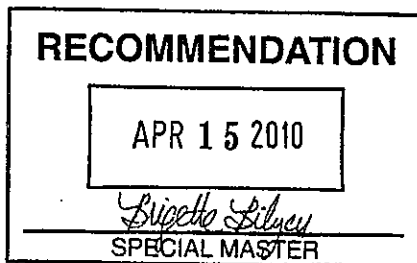
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 15 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) : 37-00468
37-00469 37-00470 37-00893A
37-02554 37-22016

On April 15, 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 15, 2010.


JANET CONNELL
Deputy Clerk

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APR 16 2010

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 15 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

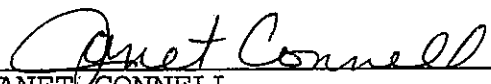
Water Right(s): 37-00468
37-00469 37-00470 37-00893A
37-02554 37-22016

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 15, 2010, with sufficient first-class postage prepaid to the following:

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

NANCY SHERBINE
WILLIAM L SHERBINE
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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