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APR 16 2010

DEPARTMENT OF
WATER RESOURCES

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

APR 15 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

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

) WATER RIGHT NOS.: 37-706C,
) 37-1082C, 37-11754, 37-21996, 37-21998,
) 37-22000 and 37-22002

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 for these water rights. These water rights, however, are used in combination with water rights 37-2629 and 37-7584 which were the subject of *Objections*.

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 these subcases.

Water rights 37-706C, 37-1082C, 37-11754, 37-21996, 37-21998, 37-22000 and 37-22002 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

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

APR 15 2010

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00706C

By _____ Clerk
Deputy Clerk

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APR 16 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

SOURCE: BUTTE CREEK TRIBUTARY: LOVING CREEK
LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 0.70 CFS

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

PRIORITY DATE: 03/15/1883

POINT OF DIVERSION: T01S R19E S13 NESWNW Within Blaine County
NWNESE

Rights 37-1082C, 37-21996, 37-21998, 37-22000 & 37-22002 are also
diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.70 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S13	NESE 40.0 NWSE 9.0
	S24	SESE 21.0 NENE 15.0
	R20E S19	NENW 39.0 LOT 1 (NWNW) 38.0
	LOT 2	(SWNW) 30.0 SENW 34.0
		NESW 36.0 LOT 3 (NWSW) 36.0
	298.0 Acres Total	

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754,
37-21996, 37-21998, 37-22000 and 37-22002 are limited to the
irrigation of a combined total of 284 acres in a single
irrigation season.

This right is limited to the irrigation of 284 acres within the
place of use described above 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

APR 15 2010

Elizabeth Silvey
SPECIAL MASTER

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 37-01082C

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APR 16 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

SOURCE: BUTTE CREEK TRIBUTARY: LOVING CREEK
LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 2.00 CFS

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

PRIORITY DATE: 07/08/1884

POINT OF DIVERSION: T01S R19E S13 NESWNW Within Blaine County
NENWSE

Rights 37-706C, 37-21996, 37-21998, 37-22000 and 37-22002 are
also diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County	
	T01S R19E S13	NESE 40.0 SESE 21.0 NENE 15.0 NENW 39.0 (SWNW) 30.0 NESW 36.0	NWSE 9.0 LOT 1 (NWNW) 38.0 SENW 34.0 LOT 3 (NWSW) 36.0
	S24		
	R20E S19		
	LOT 2		
	298.0 Acres Total		

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754,
37-21996, 37-21998, 37-22000 and 37-22002 are limited to the
irrigation of a combined total of 284 acres in a single
irrigation season.

This right is limited to the irrigation of 284 acres within the
place of use described above 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

APR 15 2010

Bigelow Delaney
SPECIAL MASTER

APR 15 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-11754

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

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DEPARTMENT OF
WATER RESOURCES

SOURCE: WASTE WATER TRIBUTARY: BUTTE CREEK

The source of water diverted under this right is waste and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

QUANTITY: 3.00 CFS

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

PRIORITY DATE: 05/01/1952

POINT OF DIVERSION: T01S R19E S13 NESE Within Blaine County

Rights 37-706C, 37-1082C, 37-21998, 37-22000 & 37-22002 are also diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S13	NESE 40.0	NWSE 9.0
	SESE 21.0	
S24	NENE 15.0	
R20E S19	NENW 39.0	LOT 1 (NWNW) 38.0
LOT 2	(SWNW) 30.0	SENE 34.0
	NESW 36.0	LOT 3 (NWSW) 36.0
298.0 Acres Total		

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754, 37-21996, 37-21998, 37-22000 and 37-22002 are limited to the irrigation of a combined total of 284 acres in a single irrigation season.

This right is limited to the irrigation of 284 acres within the place of use described above 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

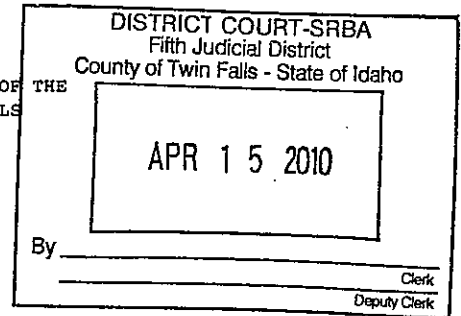
APR 15 2010

Ripelle Lilley
SPECIAL MASTER

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 37-21996



NAME AND ADDRESS: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

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APR 16 2010

SOURCE: BUTTE CREEK TRIBUTARY: LOVING CREEK
LOVING CREEK TRIBUTARY: SILVER CREEK

DEPARTMENT OF
WATER RESOURCES

QUANTITY: 0.637 CFS

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

PRIORITY DATE: 05/29/1893

POINT OF DIVERSION: T01S R19E S13 NESWNW Within Blaine County
NENWSE

Rights 37-706C, 37-1082C, 37-21998, 37-22000 & 37-22002 are also
diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.637 CFS

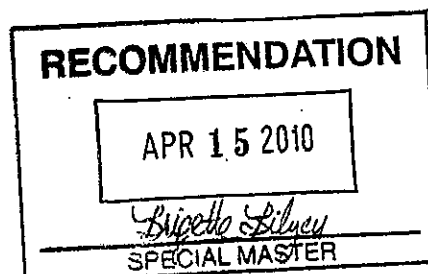
PLACE OF USE:	Irrigation	Within Blaine County	
	T01S R19E S13	NESE 40.0 SESE 21.0 NENE 15.0 NENW 39.0 (SWNW) 30.0 NESW 36.0	NWSE 9.0 (NWNW) 38.0 SESW 34.0 (NWSW) 36.0
	S24		
	R20E S19	LOT 1	
	LOT 2		
	LOT 3		
	298.0 Acres Total		

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754,
37-21996, 37-21998, 37-22000 and 37-22002 are limited to the
irrigation of a combined total of 284 acres in a single
irrigation season.

This right is limited to the irrigation of 284 acres within the
place of use described above 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).



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 37-21998

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

APR 15 2010

By _____

Clerk
Deputy Clerk

NAME AND ADDRESS:

A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

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DEPARTMENT OF
WATER RESOURCES

SOURCE:

BUTTE CREEK TRIBUTARY: LOVING CREEK
LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY:

0.662 CFS

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

PRIORITY DATE:

06/15/1887

POINT OF DIVERSION:

T01S R19E S13 NESWNW Within Blaine County
NENWSE

Rights 37-706C, 37-1082C, 37-21996, 37-22000 & 37-22002 are also
diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
0.662 CFS

PLACE OF USE:

Irrigation		Within Blaine County	
T01S R19E S13	NESE 40.0	NWSE	9.0
	SESE 21.0		
S24	NENE 15.0		
R20E S19	NENW 39.0	LOT 1	(NWNW) 38.0
LOT 2	(SWNW) 30.0		SENW 34.0
	NESW 36.0	LOT 3	(NWSW) 36.0
298.0 Acres Total			

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754,
37-21996, 37-21998, 37-22000 and 37-22002 are limited to the
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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

APR 15 2010

Brigette Silvey
SPECIAL MASTER

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 37-22000

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

APR 15 2010

By _____ Clerk
Deputy Clerk

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APR 16 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

SOURCE: BUTTE CREEK TRIBUTARY: LOVING CREEK
LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 0.62 CFS

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

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T01S R19E S13 NESWNW Within Blaine County
NENWSE

Rights 37-706C, 37-1082C, 37-21996, 37-21998 & 37-22002 are also
diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.62 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S13	NESE 40.0 NWSE 9.0
	S24	SESE 21.0 NENE 15.0
	R20E S19	NENW 39.0 LOT 1 (NWNW) 38.0
	LOT 2	(SWNW) 30.0 SENW 34.0
		NESW 36.0 LOT 3 (NWSW) 36.0
	298.0 Acres Total.	

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754,
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

APR 15 2010

Luigetto Lilley
SPECIAL MASTER

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 37-22002

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 15 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

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DEPARTMENT OF
WATER RESOURCES

SOURCE: BUTTE CREEK TRIBUTARY: LOVING CREEK
LOVING CREEK TRIBUTARY: SILVER CREEK

QUANTITY: 0.736 CFS

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

PRIORITY DATE: 06/03/1897

POINT OF DIVERSION: T01S R19E S13 NESWNW Within Blaine County
NENWSE

Rights 37-706C, 37-1082C, 37-21996, 37-21998 & 37-22002 are also
diverted through the points of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.736 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S13	NESE 40.0 SESE 21.0 NWSE 9.0
	S24	NENE 15.0
	R20E S19	NENW 39.0 LOT 1 (NWNW) 38.0
	LOT 2	(SWNW) 30.0 SENW 34.0
		NESW 36.0 LOT 3 (NWSW) 36.0
	298.0 Acres Total	

Right Nos. 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754,
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RECOMMENDATION

APR 15 2010

Brietta Lilley
SPECIAL MASTER

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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): 37-00706C
37-01082C 37-11754 37-21996
37-21998 37-22000 37-22002

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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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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-00706C
37-01082C 37-11754 37-21996
37-21998 37-22000 37-22002

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

A W MOLYNEUX
MAXINE MOLYNEUX
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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04/15/10