

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

APR 23 2010

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

|                |   |                                       |
|----------------|---|---------------------------------------|
| In Re SRBA     | ) | <b>SPECIAL MASTER'S REPORT AND</b>    |
|                | ) | <b>RECOMMENDATION; FINDINGS OF</b>    |
| Case No. 39576 | ) | <b>FACT AND CONCLUSIONS OF LAW</b>    |
|                | ) |                                       |
|                | ) | <b>WATER RIGHT NOS.: 27-11915 and</b> |
|                | ) | <b>27-11916</b>                       |

## Page 1

5. The hearing was held on January 27, 2010. The claimant Bradley Torgesen appeared at the hearing and informed the court that he had reviewed the *Standard Forms 5* and approved the recommendations.

## II. CONCLUSIONS OF LAW

Therefore, 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 Recommendation for Partial Decree*.

DATED: April 23, 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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 27-11915

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| APR 23 2010                                                                             |
| By _____<br>Clerk<br>Deputy Clerk                                                       |

NAME AND ADDRESS: BRADLEY TORGESEN  
2703 FALLING BROOK WAY  
BOISE, ID 83706

CRAIG PEARSON  
720 E 400 N  
SODA SPRINGS, ID 83276

SOURCE: UNNAMED STREAM TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS  
0.40 AFY

The quantity of water under this right shall not exceed 13,000  
gallons per day.  
Right Nos. 27-11915 and 27-11916 are limited to a total combined  
annual diversion volume of 0.4 AF.

PRIORITY DATE: 02/24/1924

POINT OF DIVERSION: T07S R44E S07 SENENE (Instream Ending Point) Within Caribou County  
SWNWNE (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-25 TO 11-01 | 0.02 CFS |
|                               |                |                | 0.40 AFY |

PLACE OF USE: Stockwater Within Caribou County  
T07S R44E S07 NENE NWNE

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.

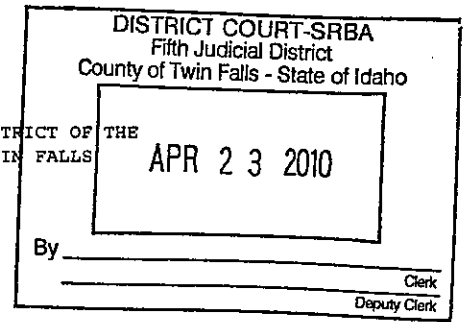
|                                          |
|------------------------------------------|
| RECOMMENDATION                           |
| APR 23 2010                              |
| <i>Eric J. Wildman</i><br>SPECIAL MASTER |

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 27-11916



NAME AND ADDRESS: BRADLEY TORGESEN  
2703 FALLING BROOK WAY  
BOISE, ID 83706

CRAIG PEARSON  
720 E 400 N  
SODA SPRINGS, ID 83276

SOURCE: UNNAMED STREAM TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS  
0.40 AFY

The quantity of water under this right shall not exceed 13,000  
gallons per day.  
Right Nos. 27-11915 and 27-11916 are limited to a total combined  
annual diversion volume of 0.4 AF.

PRIORITY DATE: 10/28/1935

POINT OF DIVERSION: T07S R44E S07 SWNWSE (Instream Beginning Point) Within Caribou County  
NENWSE (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-25 TO 11-01 | 0.02 CFS |
|                               |                |                | 0.40 AFY |

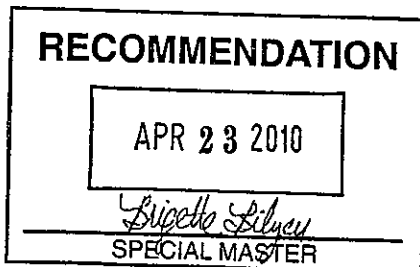
PLACE OF USE: Stockwater Within Caribou County  
T07S R44E S07 NWSE

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  
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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

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APR 26 2010

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| APR 23 2010                                                                             |                       |
| By _____                                                                                | Clerk<br>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

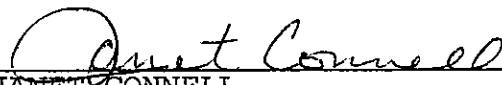
Water Right(s): 27-11915  
27-11916

On April 23, 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 23, 2010.

  
JANET CONNELL  
Deputy Clerk

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APR 26 2010

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| APR 23 2010                                                                             |
| By _____ Clerk<br>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): 27-11915  
27-11916

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 23, 2010, with sufficient first-class postage prepaid to the following:

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

SHOSHONE-BANNOCK TRIBES

Represented by:

JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
202 N ARTHUR  
POCATELLO, ID 83202  
Phone: 208-232-1922

CERTIFICATE OF MAILING

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04/23/10

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

BRADLEY TORGESEN

2703 FALLING BROOK WAY

BOISE, ID 83706

CRAIG PEARSON

720 E 400 N

SODA SPRINGS, ID 83276

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk