

**DEPARTMENT OF  
WATER RESOURCES**

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

APR 23 2010

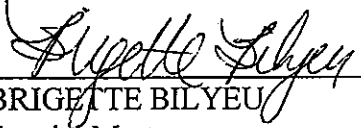
By \_\_\_\_\_  
\_\_\_\_\_  
Clerk  
Deputy Clerk

*Standard Forms 5*. The hearing was held on January 27, 2010. The claimants failed to attend the hearing, and thus failed to show why the Court should not issue *Special Master's Reports and Recommendations* recommending the elements as set forth in the *Amended Standard Forms 5*.

## 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 Recommendations 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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 27-12007

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

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APR 26 2010

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: CRAIG WEBSTER  
DIANE WEBSTER  
JOHN WEBSTER  
PAUL WEBSTER  
322 S ANGEL  
KAYSVILLE, UT 84037

SOURCE: TRAIL CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS  
2.39 AFY

The quantity of water under this right shall not exceed 13,000  
gallons per day.  
The rights listed below are limited to a total combined annual  
diversion volume of 2.39 af. Combined Right Nos.: 27-12007 and  
27-12008.

PRIORITY DATE: 05/01/1910

POINT OF DIVERSION: T08S R43E S04 SWSNW (Instream Ending Point) Within Caribou County  
SESWSW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|-------------------------------|----------------|----------------|----------------------|
|                               | Stockwater     | 05-01 TO 11-15 | 0.02 CFS<br>2.39 AFY |

|               |               |                       |
|---------------|---------------|-----------------------|
| PLACE OF USE: | Stockwater    | Within Caribou County |
|               | T08S R43E S04 | SWNW<br>SWSW          |

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>Bipette Lilley</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

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

APR 23 2010

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 27-12008

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

NAME AND ADDRESS: CRAIG WEBSTER  
DIANE WEBSTER  
JOHN WEBSTER  
PAUL WEBSTER  
322 S ANGEL  
KAYSVILLE, UT 84037

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APR 26 2010  
DEPARTMENT OF  
WATER RESOURCES

SOURCE: UNNAMED STREAM TRIBUTARY: TRAIL CREEK

QUANTITY: 0.02 CFS  
2.39 AFY

The quantity of water under this right shall not exceed 13,000  
gallons per day.  
The rights listed below are limited to a total combined annual  
diversion volume of 2.39 af. Combined Right Nos.: 27-12007 and  
27-12008.

PRIORITY DATE: 12/30/1910

POINT OF DIVERSION: T08S R43E S05 LOT 3 (NENENW) (Instream Ending Point) Within Caribou County  
SWSENW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 11-15 | 0.02 CFS |
|                               |                |                | 2.39 AFY |

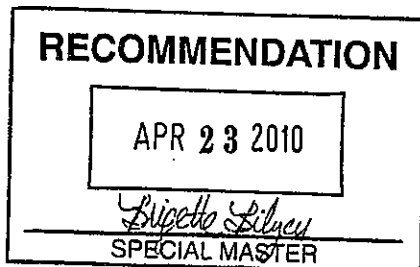
PLACE OF USE: Stockwater Within Caribou County  
T08S R43E S05 LOT 3 (NENW) SENW

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

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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        |
| _____                                                                                   | 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): 27-12007  
27-12008

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): 27-12007  
27-12008

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

PAGE 1  
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

CRAIG WEBSTER

DIANE WEBSTER

JOHN WEBSTER

PAUL WEBSTER

322 S ANGEL

KAYSVILLE, UT 84037

Phone: 801-544-2655

  
JANET CONNELL  
Deputy Clerk