

DEPARTMENT OF  
WATER RESOURCES

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**

Case No. 39576

**WATER RIGHT: 27-12053**

## I. PROCEDURAL BACKGROUND

The SRBA District Court issued an *Order of Partial Decree* for this water right on September 26, 2008. On November 18, 2008, IDWR sent a letter to the Court explaining that it had reviewed its recommendations in Basin 27 and discovered that a correction to this water right was needed. The letter provided additional information about the necessary correction and asked the Court to set aside the *Partial Decree*. The letter was served on the parties to the subcase. Presiding Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu*. Hearings were held on January 30, 2009, June 5, 2009, July 31, 2009, and January 27, 2010.

## II. FINDINGS OF FACT

At the hearing on January 30, 2009, IDWR proposed that it be allowed to either circulate an *Amended Standard Form 5* or file an *Amended Director's Report* to correct the *Partial Decree*. A *Standard Form 5 / Amended Claim* was filed on February 19, 2010. All parties to the subcase and IDWR are signatories to the *Standard Form 5 / Amended Claim*. The *Standard Form 5 / Amended Claim* was placed on the Docket Sheet. No objections were filed, and the time for filing such objections has now expired.

A *Partial Decree* should accurately describe a water right. Therefore, it is appropriate that the SRBA District Court set aside the *Partial Decree* and enter an *Amended Partial Decree*

consistent with the corrections set forth in the *Standard Form 5 / Amended Claim* approved by the parties.

### III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Partial Decree* be set aside and that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*.

Dated: April 23, 2010.

  
BRIGETTE BILYEU,  
Special Master  
Snake River Basin Adjudication

APR 23 2010

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

APR 26 2010

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DEPARTMENT OF  
WATER RESOURCES

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| 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) : 27-12053

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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DEPARTMENT OF  
WATER RESOURCES

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|-----------------------------------------------------------------------------------------|
| 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): 27-12053

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

STATE OF IDAHO

Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

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BEAR LAKE GRAZING CO  
835 ALTON RD  
MONTPELIER, ID 83254  
Phone: 208-847-0636

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