

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

JUN 11 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

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

WATER RIGHT NO.: 22-2279

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 a recommendation for the elements of this water right.

Objections were filed by Gary Grandy and Crystal Springs Land and Cattle Co., Inc. An *Amended Director's Report* was filed on March 25, 2009. *Objections* were filed by Crystal Springs Land and Cattle Co., Inc. and the USDA Forest Service on April 24, 2009. The *Objections* were resolved on May 17, 2010 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

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

DATED: June 11, 2010.

Brigitte Bilyeu
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

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

JUN 11 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-02279

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CRYSTAL SPRINGS LAND &
CATTLE INC
4581 FORTUNA WAY
SALT LAKE CITY, UT 84124

CHERISE DODSON
GARY BLACK
GNJ PROPERTIES LLC
IDAHO INVESTMENT GROUP LLC
IGO INVESTMENTS 1 LLC
KFW HOLDINGS LLC
LANELLE PECK
MICHAEL DODSON
PECK, TREVOR
PENSCO TRUST COMPANY
RIF HOLDINGS 1 LLC
ROBERT ELMER
RYMI INVESTMENTS LLC
STILLWATER HOLDINGS LLC
STOLY ASSOCIATES LC
TRAVIS GUNNELL
W STEVEN GUNNELL
4581 FORTUNA WAY
SALT LAKE CITY, UT 84124

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JUN 14 2010

DEPARTMENT OF
WATER RESOURCES

SOURCE: BIG SPRINGS TRIBUTARY: LITTLE WARM CREEK
FOREST SPRING TRIBUTARY: LITTLE WARM CREEK

QUANTITY: 0.52 CFS

PRIORITY DATE: 09/09/1966

POINT OF DIVERSION: T03N R45E S22 LOT 4 (SENESEW) Within Teton County
NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	06-01 TO 10-31	0.52 CFS

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before June 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Teton County
	T03N R45E S22	NESW 9.0 NWSE 13.0
	22.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 52.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-2279 and 22-13915. Place of use does not include federal public lands.

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

Property is also known as Homestead Entry Survey Nos. 252

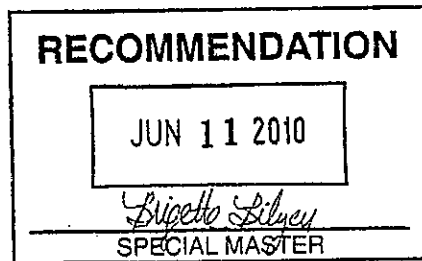
OTHER PROVISIONS (continued)

(9 acres) and 253 Tract A (13 acres).

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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JUN 14 2010

DEPARTMENT OF
WATER RESOURCES

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

JUN 11 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) : 22-02279

On June 11, 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 June 11, 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
JUN 11 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) : 22-02279

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 June 11, 2010, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
06/11/10

CHERISE DODSON
CRYSTAL SPRINGS LAND &
CRYSTAL SPRINGS LAND & CATTLE
GARY BLACK
GNJ PROPERTIES LLC
IDAHO INVESTMENT GROUP LLC
IGO INVESTMENTS 1 LLC
KPW HOLDINGS LLC
LANELLE PECK
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PECK, TREVOR
PENSICO TRUST COMPANY
RIF HOLDINGS 1 LLC
ROBERT ELMER
RYMI INVESTMENTS LLC
STILLWATER HOLDINGS LLC
STOLY ASSOCIATES LC
TRAVIS GUNNELL
W STEVEN GUNNELL

Represented by:

ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

RICHARD HOWARD GEBHARD

Represented by:

SEAN R MOULTON
PO BOX 631
DRIGGS, ID 83422
Phone: 208-354-2345

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

GARY W GRANDY
1076 S 100 W
VICTOR, ID 83455
Phone: 208-787-4110

CERTIFICATE OF MAILING

 PAGE 2
JANET CONNELL 06/11/10
Deputy Clerk