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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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 37-565
_____	)	

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.

An *Objection* was filed by United States Bureau of Land Management and Lita West. The *Objection* was resolved on May 14, 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.



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

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DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00565

NAME AND ADDRESS: LITA WEST
PO BOX 100
CAREY, ID 83320

SOURCE: DRY CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 7.20 CFS

PRIORITY DATE: 12/31/1884

POINT OF DIVERSION: T01S R20E S13 NENWNE Within Blaine County
R21E S19 SENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	Irrigation	04-15 TO 10-31	7.20 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01S R20E S13 LOT 1	(NENE) 4.1	NWNE 34.0
	SWNE 8.3	LOT 2 (SENE) 18.0
LOT 3	(NESE) 8.7	
R21E S18 LOT 3	(NWSW) 8.8	LOT 4 (SWSW) 43.0
	SESW 36.0	SWSE 12.0
S19	NENE 16.0	NWNE 29.0
	SWNE 34.0	SENE 37.0
	NENW 38.0	LOT 1 (NWNW) 28.0
LOT 2	(SWNW) 8.6	SENE 16.0
	NESE 16.0	
S20	NENE 16.0	NWNE 8.1
	SWNE 40.0	SENE 40.0
	NENW 14.0	NWNW 15.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 19.0	SESW 24.0
	NESE 40.0	NWSE 40.0
	SWSE 16.0	SESE 13.0
840.6 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 495 acres in a single irrigation season. Combined Right Nos.: 37-563, 37-564, 37-565, and 37-2595. This right is limited to the irrigation of 360 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 360 acres in a single irrigation season. Combined Right Nos.: 37-563, 37-564, and 37-565.

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

JUN 11 2010

Bigelow Selacy
SPECIAL MASTER

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-00565

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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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-00565

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

LITA WEST

Represented by:
ROBERT E. WILLIAMS III
PO BOX 168
117 SOUTH ADAMS STREET
JEROME, ID 83338
Phone: 208-324-2303

UNITED STATES OF AMERICA

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

CERTIFICATE OF MAILING

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JANET CONNELL 06/11/10
Deputy Clerk