

DEPARTMENT OF
WATER RESOURCES

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

JUN 25 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**

**FOR WATER RIGHTS: 22-13169,
22-13963, AND 22-13964**

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-13169 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 Michael Reid on July 24, 2007. A *Notice of Completed Administrative Proceeding* was filed on September 14, 2009 which split the former parent right 22-13169 into assigned split right numbers 22-13963 and 22-13964. The *Objection* was resolved by the filing of a *Stipulation* on October 8, 2009. All parties to the subcase are signatories to the *Stipulation*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-13169 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-13963 and 22-13964 be **decreed** with the elements as set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: 1 June 25 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 22-13963

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 25 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: CEDRON IRRIGATION CORP
C/O TODD DUSTIN
609 S 450 W
VICTOR, ID 83455

SOURCE: GROUND WATER

QUANTITY: 1.46 CFS
250.10 AFY

Right Nos. 22-13961 and 22-13963 are limited to a total combined
diversion rate of 4.38 cfs.

PRIORITY DATE: 06/19/1958

POINT OF DIVERSION: T04N R45E S19 SWSNW Within Teton County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-15	1.46 CFS 250.10 AFY

The period of use for the irrigation described in this approval
may be extended to an ending date of 10/31, provided that
beneficial use of the water can be shown and other elements of
the right are not exceeded. The use of water after 10/15 is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than
October 17, 2001.

PLACE OF USE:	Irrigation	Within Teton County
	T04N R45E S18 LOT 2 (SWNW) 40.0	NESW 40.0
	LOT 3 (NWSW) 40.0	NESE 40.0
		NWSE 40.0
	S19	NWNE 40.0
		NENW 40.0
		SENE 40.0
		SENW 33.0
	393.0 Acres Total	

This right is limited to the irrigation of 71.5 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 393 acres in a single irrigation season.
Combined Right Nos.: 22-13961 and 22-13963.

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 25 2010
<i>Diggett Silvey</i>
SPECIAL MASTER

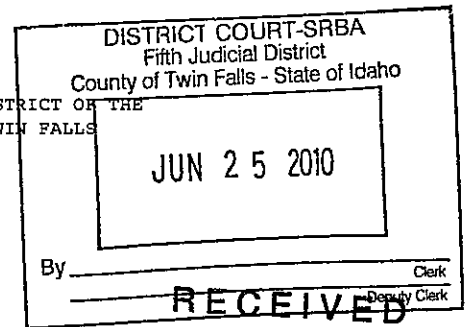
RULE 54(b) CERTIFICATE

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

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 22-13964



JUN 28 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: VICTOR CEDRON CEMETERY DIST
PO BOX 192
VICTOR, ID 83455

SOURCE: GROUND WATER

QUANTITY: 0.01 CFS
1.90 AFY

Right Nos. 22-13962 and 22-13964 are limited to a total combined
diversion rate of 0.03 cfs.

PRIORITY DATE: 06/19/1958

POINT OF DIVERSION: T04N R45E S19 SWSNW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.01 CFS 1.90 AFY

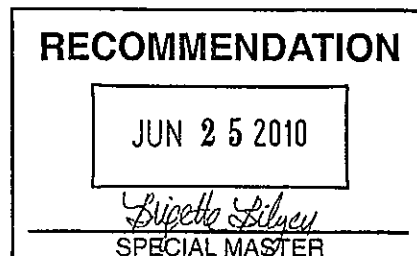
The period of use for the irrigation described in this approval
may be extended to an ending date of 10/31 provided that
beneficial use of the water can be shown and other elements of
the right are not exceeded. The use of water after 10/15 is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than
October 17, 2001.

PLACE OF USE: Irrigation Within Teton County
T04N R45E S19 SENW 3.0
3.0 Acres Total

This right is limited to the irrigation of 0.5 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 3 acres in a single irrigation season.
Combined Right Nos.: 22-13962 and 22-13964.

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

RECEIVED

JUN 28 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 25 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): 22-13169
22-13963 22-13964

On June 25, 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 25, 2010.


JANET CONNELL
Deputy Clerk

RECEIVED

JUN 28 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 25 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): 22-13169
22-13963 22-13964

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 25, 2010, with sufficient first-class postage prepaid to the following:

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

CEDRON IRRIGATION CORP

Represented by:

BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CEDRON IRRIGATION CORP

C/O TODD DUSTIN
609 S 450 W
VICTOR, ID 83455

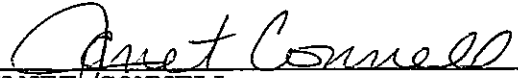
VICTOR CEDRON CEMETERY DIST

PO BOX 192
VICTOR, ID 83455

CERTIFICATE OF MAILING

PAGE 1
06/25/10

MICHAEL REID
550 S 450 W
VICTOR, ID 83455
Phone: 208-354-8024



JANET CONNELL
Deputy Clerk