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JUL 13 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 12 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 FACT AND CONCLUSIONS OF LAW
Case No. 39576	)	
	)	
	)	
	)	
_____	)	FOR WATER RIGHTS: 22-7385, 22-13953, and 22-13954

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-7385 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.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 22-7385 into assigned split right numbers 22-13953 and 22-13954. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 22-7385 to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-7385 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-13953 and 22-13954 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: July 12, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13953

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

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: NORVUE FARMS GENERAL
PARTNERSHIP
1908 E 500 N
ST ANTHONY, ID 83445

SOURCE: GROUND WATER

QUANTITY: 4.81 CFS
1751.00 AFY

The rights listed below are limited to a total combined diversion rate of 23.44 cfs and to a total combined annual diversion volume of 8540.2 AF. Combined Right Nos.: 22-13945, 22-13947, 22-13949, 22-13951 and 22-13953. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands herein.

PRIORITY DATE: 12/24/1981

POINT OF DIVERSION: T06N R41E S25 SWNWNE Within Madison County
NWNWNW
NWNWNW
SWSWNW
S26 NWNWNE
SESENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	4.81 CFS 1751.00 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late of October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 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 Madison County
	T05N R42E S05 LOT 3	(NENW) 37.0 LOT 4 (NWNW) 48.0
		NESW 30.0 NWSW 40.0
		SWSW 40.0 SESW 37.0
	S06 LOT 1	(NENE) 48.0 LOT 2 (NWNE) 48.0
	LOT 3	(NENW) 44.0 NESW 6.6
		NESE 40.0 NWSE 33.0
		SESE 10.0
	S07	NENE 0.6
	S08	NENW 0.4 NWNW 16.0
	T06N R41E S25	NENE 36.0 NWNE 32.0
		SWNE 39.0 SENE 25.0
		NENW 34.0 NWNW 32.0
		SWNW 40.0 SENW 40.0
		NESW 40.0 NWSW 40.0
		SWSW 40.0 SESW 40.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0 SESE 40.0

PLACE OF USE (continued)

S26	NENE 36.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S35	NWNE 32.0	
S36	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 36.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 36.0	SESE 40.0
	NESE 33.0	NWSE 40.0
	SWSE 38.0	SESE 37.0
	(SWNW) 17.0	NESW 10.0
	(NWSW) 39.0	(SWSW) 39.0
R42E S30 LOT 2	SESE 31.0	SWSE 17.0
LOT 3	NENE 1.0	NWNE 28.0
S31	SWNE 39.0	SENE 12.0
	NENW 40.0	(NWNW) 39.0
LOT 2	(SWNW) 39.0	SENE 40.0
	NESW 40.0	LOT 1 (NWSW) 37.0
LOT 4	(SWSW) 30.0	SESE 40.0
	NESE 27.0	NWSE 40.0
	SWSE 40.0	SESE 35.0

2724.6 Acres Total

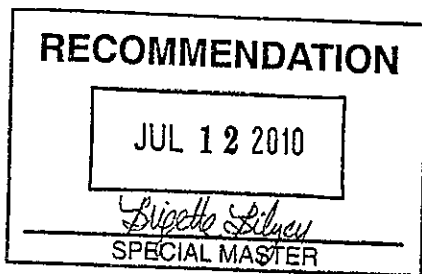
This right is limited to the irrigation of 2034 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 2724.6 acres in a single irrigation season. Combined Right Nos.: 22-13945, 22-13947, 22-13949, 22-13951 and 22-13953. Place of use does not include State lands.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk

Deputy Clerk

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PLACE OF USE (continued)

This right is limited to the irrigation of 383 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 512.4 acres in a single irrigation season. Combined Right Nos.: 22-13946, 22-13948, 22-13950, 22-13952 and 22-13954.

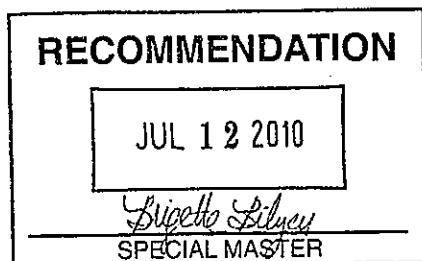
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The ownership of this water right is governed by a private agreement executed by the Idaho Department of Lands and Norvue Farms General Partnership dated March 23, 2010.

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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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): 22-07385
22-13953 22-13954

On July 12, 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 July 12, 2010.


JANET CONNELL
Deputy Clerk

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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): 22-07385
22-13953 22-13954

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 July 12, 2010, with sufficient first-class postage prepaid to the following:

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

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

NORVUE FARMS GENERAL
Represented by:
ROBERT H WOOD
RIGBY ANDRUS RIGBY CHARTERED
25 NORTH 2ND EAST
REXBURG, ID 83340
Phone: 208-356-3633

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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07/12/10