

DEPARTMENT OF
WATER RESOURCES

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

AUG 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 REGARDING
CORRECTION TO PARTIAL DECREE**

WATER RIGHT: 27-12076

I. PROCEDURAL BACKGROUND

The SRBA District Court issued an *Order of Partial Decree* for water right 27-12076 on September 29, 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, January 27, 2010, and June 30, 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*. An *Amended Standard Form 5* was filed with the court on June 29, 2010.

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*.

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: August 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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12076

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 11 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS, ID 83276

SOURCE: SLUG CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS
1.60 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.
Right Nos. 27-12076 and 27-12079 are limited to a total combined
annual diversion volume of 1.6 AF.

PRIORITY DATE: 08/02/1945

POINT OF DIVERSION: T08S R43E S24 NESENW Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-10 TO 11-15	0.02 CFS
			1.60 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S13	NESW
	S24	NWNE

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.

RECOMMENDATION
AUG 11 2010
<i>Bigelle Lilley</i> SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

AUG 12 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 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) : 27-12076

On August 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 August 11, 2010.


JANET CONNELL
Deputy Clerk

RECEIVED

AUG 12 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 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) : 27-12076

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 August 11, 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

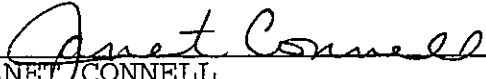
STATE OF IDAHO

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

CERTIFICATE OF MAILING

PAGE 1
08/11/10

DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS, ID 83276
Phone: 208-547-3730


JANET CONNELL
Deputy Clerk