

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION REGARDING
Case No. 39576	)	CORRECTION TO PARTIAL DECREE
	)	
	)	WATER RIGHT NOS.: 27-4011, 27-11998,
	)	27-11999, and 27-12082
_____	)	

I. PROCEDURAL BACKGROUND

The SRBA District Court issued an *Order of Partial Decree* for each of the above listed water rights on August 13, 2007. On November 18, 2008, IDWR sent a letter to the Court explaining that it had reviewed its recommendations in Basin 27 and identified these subcases as having errors in the *Director's Reports* which carried over in the *Partial Decrees*. The letter provided additional information about the necessary correction and asked the Court to set aside theses *Partial Decrees*. The letter was served on the parties to the subcases. 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 10, 2009, and January 6, 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*. At the hearing on January 6, 2010, IDWR informed the Court that it had mailed *Amended Standard Forms 5* to the Claimant. IDWR reported that it had no contact with the Claimant and had not received the signed *Standard Forms 5*. The Court issued an *Order to Show*

Cause. A hearing was held on June 16, 2010. The claimant, Lynn Rasmussen was present at the hearing and informed the Court that he had no opposition to the *Amended Standard Forms 5*.

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 *Amended Partial Decrees* consistent with the proposed *Amended Standard Forms 5* attached to the *Orders to Show Cause*.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Partial Decrees* be set aside and that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decrees*.

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

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

Water Right 27-04011

In Re SRBA)

Case No. 39576)

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

AUG 11 2010

By _____ Clerk
Deputy Clerk

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AUG 12 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ALICE GIBSON
VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS, ID 83276

GLENNA RASMUSSEN
LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE, ID 83241-5352

SOURCE: UNNAMED SPRING TRIBUTARY: SINKS

QUANTITY: 0.03 CFS
4.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3.9 AF FOR STOCKWATER. COMBINED RIGHT NOS.:
27-4011, 27-11998, AND 27-11999.

PRIORITY DATE: 09/24/1924

POINT OF DIVERSION: T07S R45E S31 NWNWNE Within Caribou County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS
			3.90 AFY
	Domestic	01-01 TO 12-31	0.01 CFS
			0.60 AFY

DOMESTIC USE IS FOR 1 HOME.

PLACE OF USE: Stockwater Within Caribou County
T07S R45E S30 LOT 3 (NWSW)

Domestic Within Caribou County
T07S R45E S30 LOT 4 (SWSW)

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

AUG 11 2010

Bridgette Silbey
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

AMENDED

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

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

Water Right 27-11998

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

AUG 11 2010

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS, ID 83276

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE, ID 83241-5352

SOURCE: CABIN CREEK TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
3.90 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3.9 AF FOR STOCKWATER. COMBINED RIGHT NOS.:
27-4011, 27-11998 AND 27-11999.
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/24/1924

POINT OF DIVERSION: T07S R45E S31 SENENW (Instream Beginning Point) Within Caribou County
LOT 1 (NWNWNW) (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS
			3.90 AFY

PLACE OF USE: Stockwater Within Caribou County
T07S R45E S31 NENW LOT 1 (NWNW)

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RULE 54(b) CERTIFICATE

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RECOMMENDATION

AUG 11 2010

Eric J. Wildman
SPECIAL MASTER

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

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AUG 12 2010

DEPARTMENT OF
WATER RESOURCES

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 27-11999

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

AUG 11 2010

By _____ Clerk
Deputy Clerk

RECEIVED

AUG 12 2010

**DEPARTMENT OF
WATER RESOURCES**

NAME AND ADDRESS: VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS, ID 83276

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE, ID 83241-5352

SOURCE: YELLOWJACKET CREEK TRIBUTARY: DIAMOND CREEK

QUANTITY: 0.02 CFS
3.90 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3.9 AF FOR STOCKWATER. COMBINED RIGHT NOS.:
27-4011, 27-11998 AND 27-11999.
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/24/1924

POINT OF DIVERSION: T07S R45E S31 SESENW (Instream Beginning Point) Within Caribou County
LOT 2 (SWNW) (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS
			3.90 AFY

PLACE OF USE: Stockwater Within Caribou County
T07S R45E S31 LOT 2 (SWNW) SENW

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

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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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RECOMMENDATION

AUG 11 2010

Dianna Lilley
SPECIAL MASTER

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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 27-12082

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

NAME AND ADDRESS: VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS, ID 83276

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE, ID 83241-5352

SOURCE: TIMOTHY CREEK TRIBUTARY: DIAMOND CREEK

QUANTITY: 0.02 CFS
0.27 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 05/01/1924

POINT OF DIVERSION: T07S R44E S13 NESWSE (Instream Beginning Point) Within Caribou County
NWSWSE (Instream Ending Point)

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AUG 12 2010
DEPARTMENT OF
WATER RESOURCES

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-27	0.02 CFS
			0.27 AFY

PLACE OF USE: Stockwater Within Caribou County
T07S R44E S13 SWSE

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

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RECOMMENDATION
AUG 11 2010
<i>Brigette Silvey</i> SPECIAL MASTER

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

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WATER RESOURCES

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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

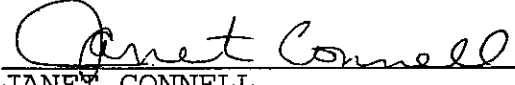
Water Right(s): 27-04011
27-11998 27-11999 27-12082

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

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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) : 27-04011
27-11998 27-11999 27-12082

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

CERTIFICATE OF MAILING

PAGE 1
08/11/10

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

ALICE GIBSON

VAL GIBSON

100 N WOODLAND DRIVE

SODA SPRINGS, ID 83276

Phone: 208-547-4009

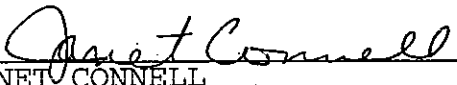
GLENNA RASMUSSEN

LYNN RASMUSSEN

168 LAGO-LIBERTY RD

GRACE, ID 83241-5352

Phone: 208-427-6637



JANET CONNELL
Deputy Clerk