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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; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 27-11355 and 27-
	)	12211

I. FINDINGS OF FACT

A claim was filed for water right 27-11355 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 water right 27-11355.

Objections were filed in water right 27-11355 by the Shoshone-Bannock Tribes and the United States Bureau of Land Management on March 9, 2006. Subsequently, the Idaho Department of Water Resources notified the Court that it had conducted a review of its recommendations for Basin 27 and discovered that some corrections were needed. IDWR identified this water right as having an error in the *Director's Report* recommendation and proposed that it be allowed to file a *Standard Form 5* or an *Amended Director's Report* with the correction.

All *Objections* to water right claim 27-11355 were resolved by stipulation of the parties with the filing of a *Standard Form 5 / Amended Claim* which resulted in splitting water right 27-12211 from water right number 27-11355.

In review of the original *Director's Report* for 27-11355, the Idaho Department of Water Resources determined that the recommendation incorrectly described diverted stockwater use and in-stream stockwater use in the same recommendation. Those uses have been split, with the *Standard Form 5 / Amended Claim* for 27-11355 reflecting the in-stream stockwater use and the *Standard Form 5* for 27-12211 reflecting the diverted stockwater use. All parties to the subcase and IDWR are signatories to the *Standard Form 5* for each water right.

II. CONCLUSIONS OF LAW

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

DATED: August 11, 2010.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

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

AUG 11 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 27-11355

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: THOMAS P RICH
592 N 1089 E
JACKSON, ID 83350

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DEPARTMENT OF
WATER RESOURCES

SOURCE: SPRING TRIBUTARY: BLACKFOOT RIVER
SPRINGS TRIBUTARY: SINKS
UNNAMED STREAMS TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS
9.70 AFY

The total combined quantity of water under this right and right
no. 27-12211 shall not exceed 13,000 gallons per day.
Right Nos. 27-11355 and 27-12211 are limited to a total combined
diversion rate of 0.02 cfs and to a total combined annual
diversion volume of 9.7 AF.

PRIORITY DATE: 04/01/1926

POINT OF DIVERSION: T04S R40E S31 LOT 7 (SESESE) Within Bingham County
LOT 7 (SESE) (Instream Ending Point)
S32 LOT 4 (SWSW) (Instream Beginning Point)
T05S R40E S04 SWSE Within Caribou County
S05 NESWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 11-30	0.02 CFS 9.70 AFY

PLACE OF USE:	Stockwater	Within Bingham County
	T04S R40E S31 LOT 7 (SESE)	
	S32 LOT 4 (SWSW)	
	T05S R40E S04 SWSE	Within Caribou County
	S05 SWNE	

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

Shirley L. Lacey
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

AUG 11 2010

In Re SRBA

Case No. 39576

By _____ Clerk

Deputy Clerk

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Aug-10-2010

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

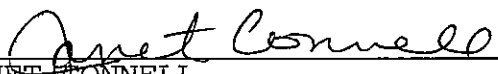
Water Right(s): 27-11355
27-12211

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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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 27-11355
27-12211

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

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08/11/10

R C RICH SHEEP CO
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

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

THOMAS P RICH
592 N 1089 E
JACKSON, ID 83350
Phone: 208-547-4289


JANET CONNELL
Deputy Clerk