

RECEIVED
SEP 02 2010
DEPARTMENT OF
WATER RESOURCES

DIST. COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP - 1 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

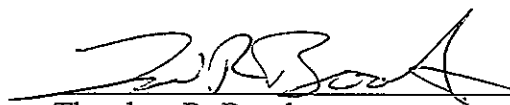
In Re SRBA	)	AMENDED SPECIAL MASTER'S
	)	REPORT FOR WATER RIGHT 47-17103
Case No. 39576	)	
	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION OF
	)	DISALLOWANCE FOR 47-07464

A notice of claim was filed for water right 47-07464 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On September 17, 2007, the Twin Falls Canal Company, through its attorney Paul L. Arrington, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On May 25, 2010, IDWR filed a *Notice of Completed Administrative Proceeding* which split water right 47-07464 into 47-17103 and 47-17104. On April 8, 2010, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* which resolved the objection as to 47-17103, and further agreed to the disallowance of 47-07464. The Idaho Department of Water Resources concurred with the stipulations.

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 47-17103 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claim 47-07464 with prejudice.

Dated Sept. 1, 2010


Theodore R. Booth
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 47-17103

NAME AND ADDRESS: CRYSTAL SPRINGS RANCH LP
C/O RUSSELL MILLARD
24725 230TH WAY SE
MAPLE VALLEY, WA 98038

SOURCE: CEDAR DRAW TRIBUTARY: SNAKE RIVER

The source of this water right includes waste water. The wasting
of water may be discontinued at any time.

QUANTITY: 42.92 CFS

PRIORITY DATE: 03/06/1978

POINT OF DIVERSION: T09S R15E S14 SWNE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	42.92 CFS

PLACE OF USE: Fish Propagation Within Twin Falls County
T09S R15E S14 NENE

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

Facility volume = 252,000 cubic feet.
Stilling wells, staff gages, or rated sections, sufficient to
provide a measurement of the rate of inflow & outflow from the
project shall be maintained by the right holder.

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

RECOMMENDATION

SEP - 1 2010

Joe B. South
SPECIAL MASTER

DISTRICT COURT - SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho
 SEP - 1 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

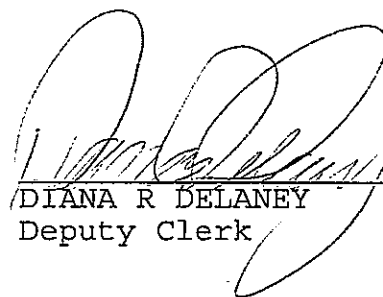
Water Right(s): 47-07464
 47-17103

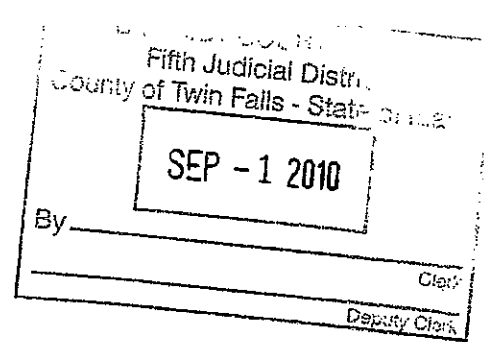
On September 01, 2010, Special Master ERIC J WILDMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 September 01, 2010.


 DIANA R DELANEY
 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): 47-07464
47-17103

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 September 01, 2010, with sufficient first-class postage prepaid to the following:

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

TWIN FALLS CANAL COMPANY
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

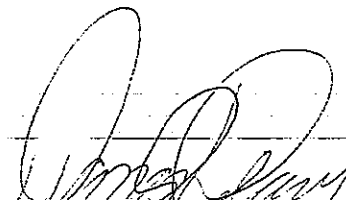
CRYSTAL SPRINGS RANCH LP
C/O RUSSELL MILLARD
24725 230TH WAY SE
MAPLE VALLEY, WA 98038
Phone: 208-326-3378

CERTIFICATE OF MAILING

PAGE 1
09/01/10

DAVID R MILLARD
20924 SE 213TH ST
MAPLE VALLEY, WA 98038-6435

CRYSTAL SPRINGS RANCH
24725 230TH WAY SE
MAPLE VALLEY, WA 98038

A handwritten signature in black ink, appearing to read "Diana R Delaney", is written over a horizontal line.

DIANA R DELANEY
Deputy Clerk