

DEPARTMENT OF
WATER RESOURCES

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

OCT 20 2010

DISTRICT OF THE _____ Clerk
TWIN FALLS _____ Deputy Clerk

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

Case No. 39576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT: 37-713D

A notice of claim was filed for this water right 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.

An *Objection* was filed by Tom O’Gara, John Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris (hereafter Concerned Water Users) and the Big Wood Canal Company on November 14, 2007. *Responses* were filed by multiple parties.

An *Amended Objection* was filed by Concerned Water Users and Big Wood Canal Company on November 21, 2008. The *Amended Objection* was resolved on September 29, 2010 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 20, 2010.

Brigette Bilyeu
BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

OCT 20 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00713D

NAME AND ADDRESS: RALPH W AND KANDI L GIRTON
1999 REVOCABLE TRUST
PO BOX 826
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.42 CFS
70.60 AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
Rights 37-00315C and 37-00713D when combined shall not exceed a total diversion rate of 0.92 cfs and a total annual diversion volume of 70.6 af.
The portion of Rights 37-00315C and 37-00713D used for conveyance losses is 0.10 cfs.
The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet.

PRIORITY DATE: 06/10/1880

POINT OF DIVERSION: T02N R18E S35 NESE Within Blaine County
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.42 CFS
			70.60 AFY
	Recreation Storage	01-01 TO 12-31	3.00 AFY
	Fire Protection Storage	01-01 TO 12-31	3.00 AFY
	Aesthetic Storage	01-01 TO 12-31	3.00 AFY

PLACE OF USE: Irrigation Within Blaine County
T02N R18E S35 NESE 18.7
S36 NWSW 0.6
19.3 Acres Total

Rights 37-00315C and 37-00713D when combined shall not exceed the irrigation of 19.3 acres.

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

OCT 20 2010

Dianna 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

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OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 20 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

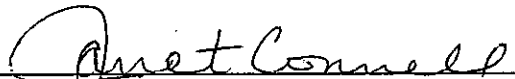
Water Right(s) : 37-00713D

On October 20, 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 October 20, 2010.


JANET CONNELL
Deputy Clerk

RECEIVED

OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 20 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) : 37-00713D

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 October 20, 2010, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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10/20/10

BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

BARKER LIVING TRUST

CHANAY CREEK RANCH LLC

CHARLES L MATTHIESEN

CHARLES T FOLEY

EAGLE CREEK IRRIGATION CO

ECD INC

ELISE G LUFKIN

GIMLET PROPERTY OWNERS ASSN

GREGORY RANCH LLC

LAKE CREEK MEADOWS HOMEOWNERS

MICHAEL E WILLARD

MICHAEL ENGL

MYER BERLOW

RALPH W & KANDI L GIRTON

RALPH W AND KANDI L GIRTON

RIVER ROCK RANCH LP

RIVERS EDGE ASSOCIATES LLC

ROY R WOODS

STEVEN D HOLZMAN TRUST

THE GULCH TRUST

THE R DANIEL OLMSTEAD

WILLIAM B GORDON

Represented by:

JAMES P. SPECK

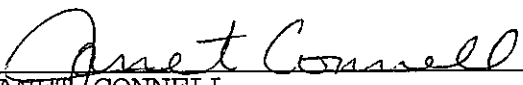
SPECK & AANESTAD

120 EAST AVENUE

PO BOX 987

KETCHUM, ID 83340

Phone: 208-726-4421


JANET CONNELL
Deputy Clerk