

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 37-21510,
	)	37-21522, 37-21533, 37-21544, 37-21555,
	)	and 37-21566

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights 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 recommendations for the elements of these water rights.

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, and the Big Wood Canal Company on November 14, 2007. A *Notice of Withdrawal of Objections* was filed by Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, and Pepin Corso-Harris on January 11, 2008. There was no opposition to the withdrawal of the *Objections*. *Order Dismissing Parties* (February 26, 2008)

An Initial hearing was held on April 29, 2010. The claimant, Andrew S. Pitt failed to attend. The Court issued an *Order to Show Cause and Summons to Appear* with attached proposed *Standard Forms 5*.

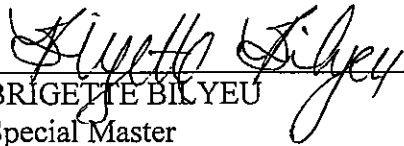
An *Order to Show Cause* hearing was held on September 29, 2010. Andrew S. Pitt failed to attend the hearing, and thus failed to show why the Court should not issue a *Special Master's Report*

and Recommendation recommending the elements as set forth in the proposed *Standard Forms 5*. Therefore, these water rights will be recommended consistent with the proposed *Standard Forms 5*.

II. CONCLUSIONS OF LAW

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 Decree*.

DATED: October 20, 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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 20 2010
By _____ Clerk Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21510

NAME AND ADDRESS: ANDREW S PITT
12215 EVERGLADE ST
LOS ANGELES, CA 90066

SOURCE: GROUND WATER

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.16 CFS
28.35 AFY

The rights listed below shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use. Combined Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566.

PRIORITY DATE: 09/25/1954

POINT OF DIVERSION: T01N R19E S07 SESW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.16 CFS 28.35 AFY

PLACE OF USE: Irrigation Within Blaine County
T01N R19E S07 NWSE 1.7 SWSE 6.4
8.1 Acres Total

Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566 are limited to the irrigation of a combined total of 8.1 acres in a single irrigation season.

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
<i>Digella Silvey</i>
SPECIAL MASTER

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

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

OCT 20 2010

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21522

By _____ Clerk
Deputy Clerk

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OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ANDREW S PITT
12215 EVERGLADE ST
LOS ANGELES, CA 90066
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.13 CFS

The rights listed below shall provide no more than 0.02 cfs per
acre nor more than 3.5 afa per acre at the field headgate for
irrigation of the lands in the place of use. Combined Right Nos.
37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.13 CFS

PLACE OF USE: Irrigation Within Blaine County
T01N R19E S07 NWSE 1.7 SWSE 6.4
8.1 Acres Total

Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and
37-21566 are limited to the irrigation of a combined total of
8.1 acres in a single irrigation season.

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

OCT 20 2010

Bigello Silvey
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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21533

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

OCT 20 2010

By _____ Clerk
Deputy Clerk

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OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ANDREW S PITT
12215 EVERGLADE ST
LOS ANGELES, CA 90066

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.008 CFS

The rights listed below shall provide no more than 0.02 cfs per
acre nor more than 3.5 afa per acre at the field headgate for
irrigation of the lands in the place of use. Combined Right Nos.
37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566.

PRIORITY DATE: 07/10/1884

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.008 CFS

PLACE OF USE: Irrigation Within Blaine County

T01N R19E S07	NWSE 1.7	SWSE 6.4
8.1 Acres Total		

Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and
37-21566 are limited to the irrigation of a combined total of
8.1 acres in a single irrigation season.

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

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RECOMMENDATION

OCT 20 2010

Bigella Silvey
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

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

OCT 20 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21544

By _____
Clark
Deputy Clerk

NAME AND ADDRESS: ANDREW S PITT
12215 EVERGLADE ST
LOS ANGELES, CA 90066

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.08 CFS

The rights listed below shall provide no more than 0.02 cfs per
acre nor more than 3.5 afa per acre at the field headgate for
irrigation of the lands in the place of use. Combined Right Nos
37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566.

PRIORITY DATE: 09/18/1885

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.08 CFS

PLACE OF USE: Irrigation Within Blaine County
T01N R19E S07 NWSE 1.7 SWSE 6.4
8.1 Acres Total

Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and
37-21566 are limited to the irrigation of a combined total of
8.1 acres in a single irrigation season.

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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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RECOMMENDATION

OCT 20 2010

Bipello Silvey
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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21555

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

OCT 20 2010

By _____
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ANDREW S PITT
12215 EVERGLADE ST
LOS ANGELES, CA 90066

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.008 CFS

The rights listed below shall provide no more than 0.02 cfs per
acre nor more than 3.5 afa per acre at the field headgate for
irrigation of the lands in the place of use. Combined Right Nos.
37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566.

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.008 CFS

PLACE OF USE: Irrigation Within Blaine County

T01N R19E S07	NWSE 1.7	SWSE 6.4
8.1 Acres Total		

Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and
37-21566 are limited to the irrigation of a combined total of
8.1 acres in a single irrigation season.

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RECOMMENDATION

OCT 20 2010

Brigette Silvey
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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho OCT 20 2010 By _____ Deputy Clerk
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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
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Water Right 37-21566

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ANDREW S PITT
12215 EVERGLADE ST
LOS ANGELES, CA 90066

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.20 CFS

The rights listed below shall provide no more than 0.02 cfs per
acre nor more than 3.5 afa per acre at the field headgate for
irrigation of the lands in the place of use. Combined Right Nos.
37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and 37-21566.

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION: T02N R18E S36 NBSWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.20 CFS

PLACE OF USE: Irrigation Within Blaine County
T01N R19E S07 NWSE 1.7 SWSE 6.4
8.1 Acres Total

Right Nos. 37-21510, 37-21522, 37-21533, 37-21544, 37-21555 and
37-21566 are limited to the irrigation of a combined total of
8.1 acres in a single irrigation season.

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RECOMMENDATION OCT 20 2010 <i>Biggella Libbey</i> SPECIAL MASTER

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

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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

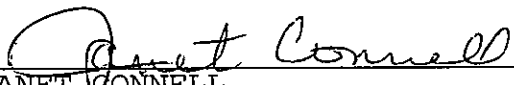
Water Right(s): 37-21510
37-21522 37-21533 37-21544
37-21555 37-21566

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 (A01), 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

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 20 2010
By _____ 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): 37-21510
37-21522 37-21533 37-21544
37-21555 37-21566

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

ANDREW S PITT
BIG WOOD CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

CERTIFICATE OF MAILING

PAGE 1
Janet Connell 10/20/10
JANET CONNELL
Deputy Clerk