

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 29 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 _____	)))))))	SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR WATER RIGHT: 37-333
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I. FINDINGS OF FACT

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 Picabo Livestock Co., Inc. on November 14, 2007. The *Objection* was resolved on September 24, 2010 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

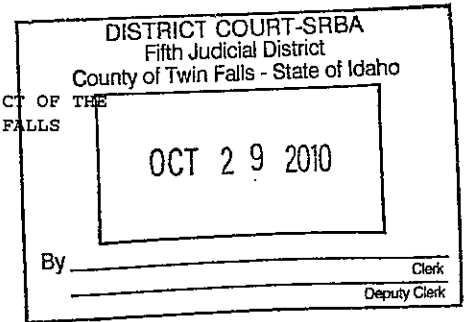
Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 29, 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



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00333

NAME AND ADDRESS: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO, ID 83348

SOURCE: LOVING CREEK TRIBUTARY: SILVER CREEK
SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.60 CFS

Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D,
37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942,
37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609
when combined shall not exceed a total diversion rate of 72.78
cfs, nor a total combined annual volume measured at the points
of diversion of 17,096.6 af. These rights shall not exceed an
annual diversion volume of 17,081 af at the points of diversion
for irrigation purposes, nor a diversion rate of 0.17 cfs and an
annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points
of diversion for all surface rights identified under Transfer
No. 69626 and the ground water rights identified under Transfer
No. 69624 shall not exceed 72.78 cfs, nor a total combined annual
volume measured at the points of diversion of 17,081 af for
irrigation purposes.

PRIORITY DATE: 11/01/1889

POINT OF DIVERSION: T01S R19E S24 NESENW Within Blaine County
R20E S20 SWSWSE
S30 SWNENW
LOT 1 (NENWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R20E S19	SENE 39.0
	LOT 4 (SWSW) 38.0	SESW 39.0
		NESE 26.0
		NWSE 32.0
		SWSE 35.0
		SESE 37.0
	S20	NWNW 40.0
		SWNW 40.0
		NESW 30.0
		NWSW 38.0
		SWSW 19.0
		SESW 19.0
		NESE 40.0
		NWSE 36.0
		SWSE 11.0
		SESE 36.0
	S21	SENE 27.0
		NWSE 40.0
		NWSW 40.0
		SESW 36.0
		NWSE 40.0
		SESE 28.0
	S22	SENE 19.0
		NWSW 36.0
		SESW 27.0
	S26	SWSW 36.0
		SESW 3.0
	S27	SWNE 29.0
		NWNW 18.0
		NENW 36.0

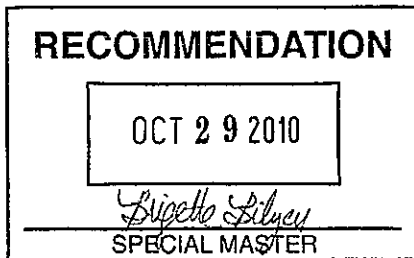
PLACE OF USE (continued)

Right Nos. 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are limited to the irrigation of a combined total of 2711.3 acres in a single irrigation season. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

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OCT 29 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

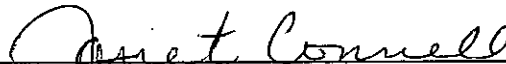
Water Right(s): 37-00333

On October 29, 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 29, 2010.



JANET CONNELL
Deputy Clerk

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

OCT 29 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) : 37-00333

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 29, 2010, with sufficient first-class postage prepaid to the following:

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

PICABO LIVESTOCK CO INC
Represented by:
GARY D. SLETTE
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-734-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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10/29/10