

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 37-20609
_____	)	

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.

Objections were filed by the State of Idaho Department of Lands, United States Bureau of Land Management, and Picabo Livestock Co., Inc. on November 14, 2007. The *Objections* were 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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 29 2010	
By _____	Clerk
_____	Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-20609

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: 19.69 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: 09/01/1883

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	19.69 CFS
Stockwater		01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01S R20E S19	NENE 40.0	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	SWNE 40.0	SENE 27.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 36.0
	NESE 40.0	NWSE 40.0
S22	SWSE 37.0	SESE 28.0
	SWNW 23.0	SENE 19.0
	NESW 6.8	NWSW 36.0
	SWSW 37.0	SESW 27.0
S26	NWSW 14.0	SWSW 36.0
	SESW 3.0	
S27	NWNE 20.0	SWNE 29.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NENW	36.0	NWNW	18.0
	SWNW	12.0	SENE	22.0
	NESW	15.0	NWSW	24.0
	SWSW	0.6	SESW	12.0
	NESE	30.0	NWSE	16.0
	SWSE	12.0	SESE	36.0
S28	NENE	20.0	NWNE	24.0
	SWNE	34.0	SENE	29.0
	NENW	17.0	NWNW	22.0
	SWNW	40.0	SENE	38.0
	NESW	40.0	NWSW	40.0
	SWSW	32.0	SESW	38.0
	NESE	40.0	NWSE	40.0
	SWSE	36.0	SESE	6.4
S29	NENE	29.0	NWNE	38.0
	SWNE	40.0	SENE	40.0
	NENW	33.0	NWNW	27.0
	SWNW	33.0	SENE	40.0
	NESW	36.0	NESE	40.0
	NWSE	39.0	SWSE	2.8
	SESE	29.0		
S30	NENE	30.0	NWNE	35.0
	SWNE	40.0	SENE	31.0
	NENW	18.0	LOT 1 (NWNW)	2.0
	SENE	15.0	NESE	37.0
	NWSE	40.0	SWSE	35.0
	SESE	40.0		
S31	NENE	40.0	NWNE	15.0
	SENE	40.0		
S33	NENE	4.9	NWNE	19.0
	NENW	4.4		
S34	NENE	40.0	NWNE	40.0
	NENW	34.0	NWNW	0.5
S35	NWNW	41.0	SWNW	25.0

3037.4 Acres Total

Stockwater

T01S R20E S19

LOT 4

NENE
(SWSW)

NESE
SWSE

S20

NWNW
NESW

SWSW
NESE

S21

SWNE
NESW

SWSW
NESE

S22

SWSE
SWNW

NESW
SWSW

S26

NWSW
SESW

S27

NWNE
NENW

SWNW
NESW

SWSW
NESE

S28

SWSE
NENE

Within Blaine County

SENE
SESW

NWSE
SESE

SWNW
NWSW

SESW
NWSE

SESE
SENE

NWSW
SESW

NWSE
SESE

SENE
NWSW

SESW
SWSW

SWNE
NWNW

SENE
NWSW

SESW
NWSE

SESE
NWNE

PLACE OF USE (continued)

	SWNE	SENE
	NENW	NWNW
	SNNW	SESW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S29	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SNNW	SESW
	NESW	NWSW
	NESE	NWSE
	SWSE	SESE
S30	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SESW	SESW
	NWSE	NWSE
	SESE	SESE
S31	NENE	NWNE
	SENE	SENE
S33	NENE	NWNE
	NENW	NWNW
S34	NENE	NWNE
	NENW	NWNW
S35	NWNW	SNNW

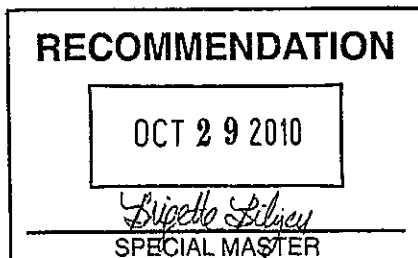
Right Nos. 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are limited to the irrigation of a combined total of 2711.3 acres in a single irrigation season. This right is limited to the irrigation of 984.5 acres within the place of use described above in a single irrigation season.

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

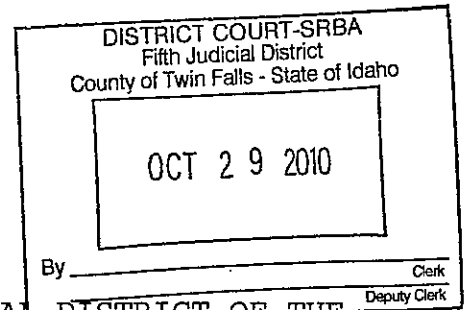
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-20609

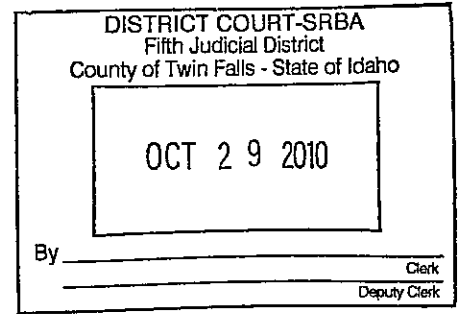
On October 29, 2010, Special Master BRIGETTE BILYEU
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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



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): 37-20609

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

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
10/29/10

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


JANET CONNELL
Deputy Clerk