

DEPARTMENT OF
WATER RESOURCES

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

DEC 30 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 REGARDING
CORRECTION TO PARTIAL DECREE**

**WATER RIGHTS: 27-11954, 27-11955,
and 27-11956**

I. PROCEDURAL BACKGROUND

The SRBA District Court issued an *Order of Partial Decree* for each of these water rights on August 13, 2007. On November 18, 2008, IDWR sent a letter to the Court explaining that it had reviewed its recommendations in Basin 27 and discovered that a correction to these water rights was needed. The letter provided additional information about the necessary corrections and asked the Court to set aside the *Partial Decrees*. The letter was served on the parties to the subcases. Presiding Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu*. A hearing was held on January 30, 2009.

II. FINDINGS OF FACT

At the hearing, IDWR proposed that it be allowed to circulate an *Amended Standard Form 5 / Amended Claim* to correct the ***Partial Decree***. An *Amended Standard Form 5 / Amended Claim* was filed with the court on August 6, 2010. All parties to the subcase and IDWR are signatories to the *Amended Standard Form 5 / Amended Claim*. The *Standard Form 5 / Amended Claim* was placed on the Docket Sheet. No objections were filed, and the time for filing such objections has now expired.

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JAN 03 2011

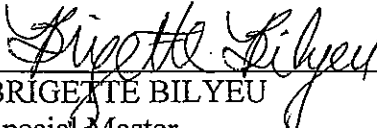
DEPARTMENT OF
WATER RESOURCES

A *Partial Decree* should accurately describe a water right. Therefore, it is appropriate that the SRBA District Court set aside the *Partial Decree* and enter an *Amended Partial Decree*, consistent with the corrections set forth in the *Amended Standard Form 5 / Amended Claim* approved by the parties.

III. CONCLUSIONS AND RECOMMENDATIONS

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

Dated: December 30, 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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-11954

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

DEC 30 2010

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN, UT 84321

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
7.30 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 14.3 AF. COMBINED RIGHT NOS.: 27-4075,
27-4124, 27-4126, 27-11901, 27-11954, 27-11955 AND 27-11956.

PRIORITY DATE: 09/15/1925

POINT OF DIVERSION: T08S R44E S19 S20 SNNWSE (Instream Ending Point) Within Caribou County
NESWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-01	0.02 CFS
			7.30 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T08S R44E S19 S20	SENE NWSE SNNW

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

DEC 30 2010

Bugetto Lilley
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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-11955

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 30 2010	
By _____	Clerk Deputy Clerk

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**DEPARTMENT OF
WATER RESOURCES**

NAME AND ADDRESS: PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN, UT 84321

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
7.30 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 14.3 AF. COMBINED RIGHT NOS.: 27-4075,
27-4124, 27-4126, 27-11901, 27-11954, 27-11955 AND 27-11956.

PRIORITY DATE: 09/15/1925

POINT OF DIVERSION: T08S R44E S17 SESWSE (Instream Beginning Point) Within Caribou County
SESE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-01	0.02 CFS 7.30 AFY

PLACE OF USE: Stockwater Within Caribou County
T08S R44E S17 SWSE SESE

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

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RECOMMENDATION
DEC 30 2010
<i>Eric J. Wildman</i> 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

AMENDED

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 27-11956

DEC 30 2010

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN, UT 84321

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
7.30 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 14.3 AF. COMBINED RIGHT NOS.: 27-4075,
27-4124, 27-4126, 27-11901, 27-11954, 27-11955, AND 27-11956.

PRIORITY DATE: 09/15/1925

POINT OF DIVERSION: T08S R44E S20 NENW Within Caribou County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-01	0.02 CFS
			7.30 AFY

PLACE OF USE: Stockwater Within Caribou County
T08S R44E S20 NENW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RECOMMENDATION

DEC 30 2010

Bugella Libbey
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	
DEC 30 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): 27-11954
27-11955 27-11956

On December 30, 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 December 30, 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	
DEC 30 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): 27-11954
27-11955 27-11956

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 December 30, 2010, with sufficient first-class postage prepaid to the following:

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

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

CERTIFICATE OF MAILING

PAGE 1
12/30/10

PAUL THOMAS BLOTTER

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

STATE OF IDAHO

Represented by:

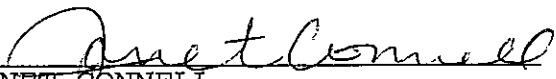
NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449


JANET CONNELL
Deputy Clerk