

DEPARTMENT OF
WATER RESOURCES

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

JAN 19 2011

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**

WATER RIGHT NO.: 37-7651

I. FINDINGS OF FACT

A 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 Sinclair Oil Corporation and Newfoundland Partners on July 2, 2008. A *Joint Stipulation and Motion for Order Approving Withdrawal of Objections and Responses* was filed on December 21, 2009. The Court **granted** the *Motion. Order Dismissing Objections and Responses*. (January 22, 2010) There are no unresolved objections remaining in this subcase.

This water right will be recommended consistent with the *Notice of Completed Administrative Proceeding* filed on February 23, 2009.

II. CONCLUSIONS OF LAW

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: January 19, 2011.

Brigette Bilyeu
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

JAN 19 2011

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 37-07651

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: JOHN I MOLYNEUX
KRISTY MOLYNEUX
10407 HWY 75
BELLEVUE, ID 83313

A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

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SOURCE: GROUND WATER

QUANTITY: 2.05 CFS
420.00 AFY

This right when combined with all other rights 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 herein. The rights listed below are limited to a total combined diversion rate of 9.24 cfs and to a total combined diversion volume of 2068.5 AF. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, and 37-11430. The rights listed below are limited to a total combined diversion rate of 27.59 cfs. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, and 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

PRIORITY DATE: 08/02/1977

POINT OF DIVERSION: T01N R18E S36 NWNENW Within Blaine County
T01S R18E S12 NENWNE
SWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.05 CFS 420.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R18E S36	NESW 40.0 NWSW 40.0 SESW 39.0
	T01S R18E S01 LOT 2	(SWNE) 19.0
	LOT 3	(SENE) 19.0 NESW 20.0 NESE 40.0 SWSE 40.0 SESE 39.0
	S12	NENE 38.0 NWNW 8.0 SENE 40.0
		NENW 38.0 SWNW 13.0
	591.0 Acres Total	

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 591 acres in a single irrigation season. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430,

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
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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) : 37-07651

On January 19, 2011, 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 January 19, 2011.


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	
JAN 19 2011	
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

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

Water Right(s): 37-07651

CERTIFICATE OF MAILING

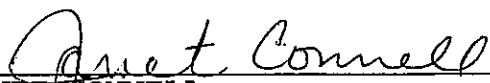
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 19, 2011, with sufficient first-class postage prepaid to the following:

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

A W MOLYNEUX
JOHN I MOLYNEUX
KRISTY MOLYNEUX
MAXINE MOLYNEUX

Represented by:

ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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