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MAR 04 2011

DEPARTMENT OF
WATER RESOURCES

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

MAR - 3 2011

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

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

) WATER RIGHT NOS.: 37-21665,
) 37-21672, 37-21681, 37-21690, 37-21699,
) and 37-21708
)

I. FINDINGS OF FACT

A 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 Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris (hereafter "Concerned Water Users") and Big Wood Canal Company on November 14, 2007.

On January 11, 2008, Concerned Water Users filed a *Notice of Withdrawal of Objection*. The *Notice* explained that the Concerned Water users wished to be dismissed as parties, but the Big Wood Canal Company would go forward with the *Objection*.

A *Notice of Completed Administrative Proceeding* was filed on October 21, 2010 changing the ownership of these water rights to Brian Smith and Diane Steffey-Smith.

The *Objection* was resolved on February 15, 2011 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

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 Decrees*.

DATED: March 3, 2011.



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

MAR - 3 2011

In Re SRBA)

Case No. 39576)

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

Water Right 37-21665

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

BRIAN L SMITH
DIANE STEFFEY-SMITH
PO BOX 5326
KETCHUM, ID 83340

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DEPARTMENT OF
WATER RESOURCES

SOURCE:

GROUND WATER

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.
37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

PRIORITY DATE:

09/25/1954

POINT OF DIVERSION:

T01N R19E S07 SESW Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
0.16 CFS
28.35 AFY

PLACE OF USE:

Irrigation Within Blaine County
T01N R19E S07 SWSE 8.1
8.1 Acres Total

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and
37-21708 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

MAR 03 2011

Brigette 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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21672

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR - 3 2011 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: BRIAN L SMITH
DIANE STEFFEY-SMITH
PO BOX 5326
KETCHUM, ID 83340

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. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

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 SWSE 8.1
8.1 Acres Total

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 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 MAR 03 2011 <i>Bijette Silbey</i> SPECIAL MASTER
--

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

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DEPARTMENT OF
WATER RESOURCES

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 37-21681

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

MAR - 3 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

BRIAN L SMITH
DIANE STEFFEY-SMITH
PO BOX 5326
KETCHUM, ID 83340

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.
37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

PRIORITY DATE:

07/10/1884

POINT OF DIVERSION:

T02N R18E S36

NESWNW Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
0.008 CFS

PLACE OF USE:

Irrigation

Within Blaine County

T01N R19E S07 SWSE 8.1
8.1 Acres Total

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and
37-21708 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
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAR 03 2011

Bipetto Delaney
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21690

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR - 3 2011 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: BRIAN L SMITH
DIANE STEFFEY-SMITH
PO BOX 5326
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.08 CFS

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DEPARTMENT OF
WATER RESOURCES

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. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

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 SWSE 8.1
8.1 Acres Total

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 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

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RECOMMENDATION MAR 03 2011 <i>Brietta Lilley</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

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

MAR - 3 2011

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21699

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: BRIAN L SMITH
DIANE STEFFEY-SMITH
PO BOX 5326
KETCHUM, ID 83340

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DEPARTMENT OF
WATER RESOURCES

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.
37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

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 SWSE 8.1
8.1 Acres Total

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and
37-21708 are limited to the irrigation of a combined total of
8.1 acres in a single irrigation season.

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

MAR 03 2011

Bigello Silvey
SPECIAL MASTER

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

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

MAR - 3 2011

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21708.

By _____ Clerk

Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

QUANTITY: 0.19 CFS

PRIORITY DATE: 06/15/1891

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	0.19 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S07	SWSE 8.1 .
	8.1 Acres Total	

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 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

MAR 03 2011

Bugette Lilien
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
MAR - 3 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

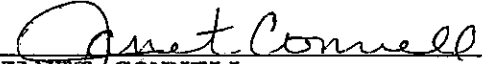
Water Right(s): 37-21665
37-21672 37-21681 37-21690
37-21699 37-21708

On March 03, 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 March 03, 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
MAR - 3 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-21665
37-21672 37-21681 37-21690
37-21699 37-21708

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 March 03, 2011, with sufficient first-class postage prepaid to the following:

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

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

CERTIFICATE OF MAILING

PAGE 1
03/03/11

BRIAN L SMITH
DIANE STEFFEY-SMITH
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421


JANET CONNELL
Deputy Clerk