

RECEIVED
APR 12 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 11 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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 47-00027,
) 47-02130, 47-17172, 47-17525,
) and 47-17526
)
) RECOMMENDATION OF
) DISALLOWANCE FOR 47-00084

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

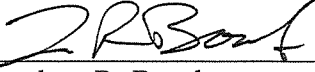
On September 19, 2007, the State of Idaho, Department of Lands filed an objection to the *Director's Report* for water right claim 47-00084. On January 27, 2011, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection by splitting water right 47-00084 into water rights 47-17525 and 47-17526. The Idaho Department of Water Resources concurred with the stipulations. Water rights 47-00027, 47-02130, and 47-17172 were identified as uncontested rights that may be affected by the outcome of the contested claim.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 47-00027, 47-02130, 47-17172, 47-17525, and 47-17526 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree*

Pursuant to I.R.C.P. 54(b). IT IS FURTHER RECOMMENDED that the court enter a final order disallowing water right number 47-00084.

Dated April 11, 2011



Theodore R. Booth
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 47-00027

PAGE 1
Jan-28-2011

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-02130

NAME AND ADDRESS: GUERRY INC
PO BOX 687
CASTLEFORD, ID 83321

SOURCE: LITTLE HOUSE CREEK TRIBUTARY: HOUSE CREEK
SPRING TRIBUTARY: LITTLE HOUSE CREEK

QUANTITY: 0.20 CFS

PRIORITY DATE: 04/29/1919

POINT OF DIVERSION: T15S R12E S23 NESENW Within Twin Falls County
NESENW
NESESW (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T15S R12E S23 NENW 6.8	SENW 3.2
	10.0 Acres Total	

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

RECOMMENDATION

APR 11 2011

Lee R. Booth
SPECIAL MASTER

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 47-17172

NAME AND ADDRESS: GUERRY INC
PO BOX 687
CASTLEFORD, ID 83321

SOURCE: LITTLE HOUSE CREEK TRIBUTARY: HOUSE CREEK

QUANTITY: 0.60 CFS

Use of this right with Right Nos. 47-027, 47-17525, 47-17526 and
47-2130 is limited to a total combined diversion rate of
2.84 cfs.

PRIORITY DATE: 01/04/1914

POINT OF DIVERSION: T15S R12E S14 NENWNE Within Twin Falls County
NENESW
NESESW
SWSWSE
SESENW
S23

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.60 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
T15S R12E S11	NESW 2.5	NWSE 28.0
	SWSE 2.1	SESE 7.9
S14	NWNE 13.0	SWNE 23.0
	NENW 2.2	SENW 10.0
	NESW 14.0	SESW 17.0
	NWSE 13.0	SWSE 3.3
136.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 47-027 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 136 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 46 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).

RECOMMENDATION

APR 11 2011

Joe R. Booth
SPECIAL MASTER

RULE 54(b) CERTIFICATE

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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 47-17525

NAME AND ADDRESS: GUERRY INC
PO BOX 687
CASTLEFORD, ID 83321

SOURCE: SPRING TRIBUTARY: LITTLE HOUSE CREEK

QUANTITY: 0.72 CFS

Right Nos. 47-17525 and 47-17526 are limited to a total combined
diversion rate of 0.78 cfs.
Right Nos. 47-17525 and 47-17526 are limited to a total combined
diversion rate of 0.02 cfs and 13,000 gallons per day for
stockwater use.

PRIORITY DATE: 05/01/1904

POINT OF DIVERSION: T15S R12E S23 NWNWSE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.72 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE: Irrigation
T15S R12E S23 NWNE 6.6 SWNE 21.0
28.1 Acres Total
SENE 0.5

Stockwater
T15S R12E S23 NWNE SWNE
SENE

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.
Access to the point of diversion and place of use of water right
no. 47-17525 is governed by a private agreement executed by the
Idaho Department of Lands and Guerry Inc. dated April 28, 2010.
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).

RECOMMENDATION

APR 11 2011

Red R. Smith
SPECIAL MASTER

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

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

Water Right 47-17526

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE, ID 83720-0050

GUERRY INC
PO BOX 687
CASTLEFORD, ID 83321

SOURCE: SPRING TRIBUTARY: LITTLE HOUSE CREEK

QUANTITY: 0.06 CFS

Right Nos. 47-17525 and 47-17526 are limited to a total combined diversion rate of 0.78 cfs.

Right Nos. 47-17525 and 47-17526 are limited to a total combined diversion rate of 0.02 cfs and 13,000 gallons per day for stockwater use.

PRIORITY DATE: 05/01/1904

POINT OF DIVERSION: T15S R12E S23 NWNWSE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.06 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T15S R12E S23	NWSE 2.4
	2.4 Acres Total	
	Stockwater	Within Twin Falls County
	T15S R12E S23	NWSE

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

The ownership of water right no. 47-17526 is governed by a private agreement executed by the Idaho Department of Lands and Guerry Inc. date April 28, 2010.

Access to the point of diversion and place of use of water right no. 47-17526 is governed by a private agreement executed by the Idaho Department of Lands and Guerry Inc. dated April 28, 2010.

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)

RECOMMENDATION

APR 11 2011

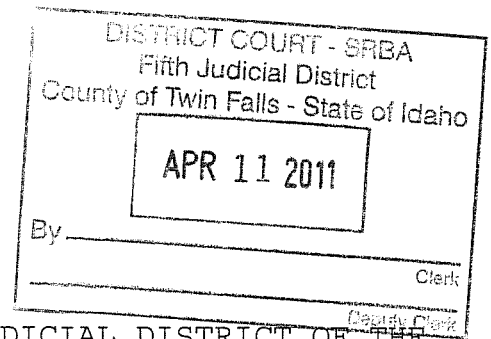
Red B Booth

SPECIAL MASTER

RULE 54(b) - CERTIFICATE

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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

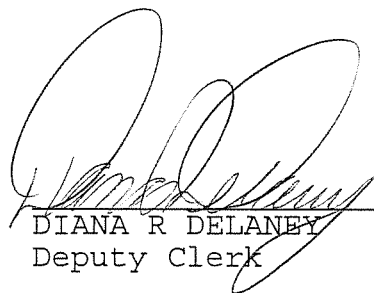
Water Right(s): 47-00027
47-00084 47-02130 47-17172
47-17525 47-17526

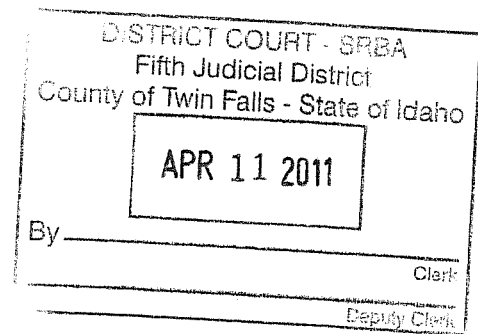
On April 11, 2011, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 April 11, 2011.


DIANA R DELANEY
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): 47-00027
47-00084 47-02130 47-17172
47-17525 47-17526

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 April 11, 2011, with sufficient first-class postage prepaid to the following:

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

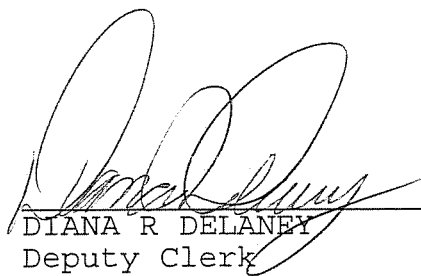
STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO
Represented by:
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
04/11/11

GUERRY INC
PO BOX 687
CASTLEFORD, ID 83321
Phone: 208-537-6787



DIANA R DELANEY
Deputy Clerk