

MAY 06 2014

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

MAY - 5 2011

By _____
CLERK OF THE DISTRICT COURT
OF TWIN FALLS

Deputy Clerk

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

**FOR WATER RIGHTS: 22-2258A and
22-2258B**

A notice of 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 Kelly Summers to 22-2258A. The *Objection* was resolved on April 26, 2011 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

No objections were filed to 22-2258B. This water right, however, is used in combination with water right 22-2258A which was the subject of an *Objection*. The *Objection* for 22-2258A was resolved on April 26, 2011 with the filing of a *Standard Form 5*. There are no unresolved objections remaining in these water rights.

Therefore, 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: May 5, 2011.

Brigitte Bilyeu
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
MAY - 5 2011
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576) PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-02258A

NAME AND ADDRESS: SUMMERCO INC
27 N 3000 E
SUGAR CITY, ID 83448

SOURCE: GROUND WATER

QUANTITY: 3.10 CFS
542.50 AFY

PRIORITY DATE: 08/26/1965

POINT OF DIVERSION: T06N R40E S26 SENWNE Within Madison County
NESWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.10 CFS 542.50 AFY

PLACE OF USE:	Irrigation		Within Madison County
	T06N R40E S22	NENE 5.2	SWNE 1.6
		SENE 31.0	NESE 36.0
		NWSE 8.4	SWSE 4.8
		SESE 37.0	
	S23	NENE 12.0	SWNE 4.0
		SENE 39.0	SWSW 40.0
		SESW 40.0	NESE 39.0
		NWSE 21.0	SWSE 39.0
		SESE 39.0	
	S24	NESE 35.0	NWSE 18.0
		SWSE 26.0	SESE 39.0
	S25	NENE 40.0	NWNE 24.0
		SWNE 29.0	SENE 38.0
		NESW 29.0	NWSW 40.0
		SWSW 39.0	SESW 38.0
		NESE 12.0	NWSE 39.0
		SWSE 15.0	
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 39.0
		SWNW 40.0	SENE 40.0
	1177.0 Acres Total		

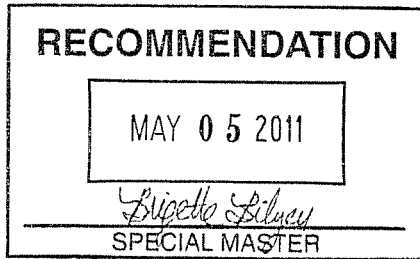
The rights listed below are limited to the irrigation of a combined total of 1177 acres in a single irrigation season. Combined Right Nos.: 22-2258A, 22-2295, 22-10646, 22-10777. This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.

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

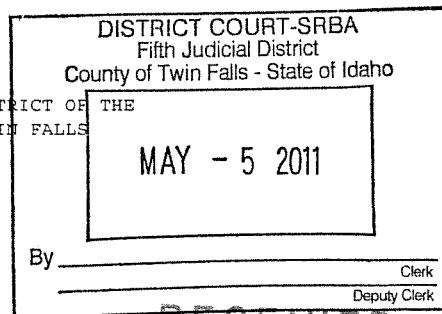
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-02258B

NAME AND ADDRESS: SUMMERS FARM & RANCH INC
C/O DANNY SUMMERS
1500 S 3000 E
SUGAR CITY, ID 83448

SOURCE: GROUND WATER

QUANTITY: 1.58 CFS
276.50 AFY

Right Nos. 22-2238, 22-2258B and 22-11318 are limited to a total
combined diversion rate of 5.24 cfs and to a total combined
annual diversion volume of 2224.2 AF.

PRIORITY DATE: 08/26/1965

POINT OF DIVERSION: T06N R40E S26 NESWSW Within Madison County
S35 SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.58 CFS 276.50 AFY

PLACE OF USE:	Irrigation	Within Madison County
	T06N R40E S27	SENE 10.0 SESE 27.0 NESE 27.0
	S34	NENE 28.0 SENE 22.0 SWNE 0.2 SENW 0.2 NWSW 4.2 SESW 37.0 NESW 40.0 NWSE 40.0 SWSE 38.0 SESE 20.0
	S35	NENE 39.0 NWNE 40.0 SWNE 40.0 SENE 38.0 NENW 37.0 NWNW 39.0 SENW 40.0 NESW 16.0 NWSW 39.0 SESW 37.0 SESE 37.0 NESE 20.0 NWSE 31.0 SWSE 38.0 SESE 18.0
	870.0 Acres Total	

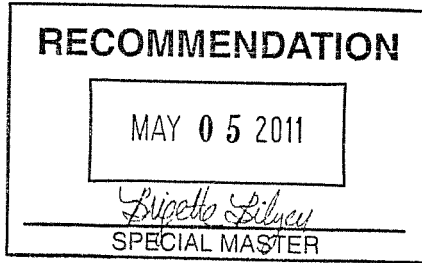
The rights listed below are limited to the irrigation of a
combined total of 870 acres in a single irrigation season.
Combined Right Nos.: 22-2238, 22-2258B, 22-11318.
This right is limited to the irrigation of 79 acres within the
place of use described above in a single irrigation season.

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

RECEIVED

MAY 06 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 5 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): 22-02258A
22-02258B

On May 05, 2011, 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 May 05, 2011.


JANET CONNELL
Deputy Clerk

RECEIVED

MAY 06 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 5 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): 22-02258A

22-02258B

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 May 05, 2011, with sufficient first-class postage prepaid to the following:

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

KELLY SUMMERS
SUMMERCO INC
SUMMERS FARM & RANCH INC
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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05/05/11