

DEPARTMENT OF
WATER RESOURCES

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

MAY 12 2011

By _____
DISTRICT OF THE _____ 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 NOS: 37-289, 37-4415
and 37-4416**

I. FINDINGS OF FACT

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.

Objections were filed by City of Ketchum on November 14, 2007. A Pretrial Conference was held on April 20, 2011. At the hearing, City of Ketchum made an oral *Motion to Withdraw Objections*. There was no opposition to the *Motion*. The Court **granted** the *Motion*. There are no unresolved objections remaining in these subcases. These subcases will be recommended consistent with the *Directors' Report*. 37-4415 and 37-4416 were recommended disallowed in the *Director's Report*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-289 be **decreed** with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*. IT IS FURTHER RECOMMENDED that water rights 37-4415 and 37-4416 **not be confirmed** in any partial or final decrees.

DATED: May 12, 2011.

Brigitte Bil Yeu
BRIGETTE BIL YEU, Special Master
Snake River Basin Adjudication

MAY 12 2011

In Re SRBA) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00289

NAME AND ADDRESS: CITY OF KETCHUM
PO BOX 2315
KETCHUM, ID 83340

SOURCE: TRAIL CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 7.00 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T04N R18E S07 SESWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	7.00 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T04N R18E S19	NWNE 0.3	SWNE 27.0
		SENE 3.0	SENW 0.5
		NESE 9.7	NWSE 15.0
	55.5 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.

RECOMMENDATION

MAY 12 2011

Bugetto Lilacy
SPECIAL MASTER

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

RECEIVED
MAY 16 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 12 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

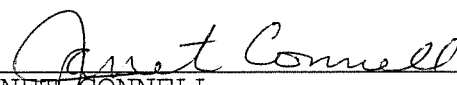
Water Right(s): 37-00289
37-04415 37-04416

On May 12, 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 May 12, 2011.



JANET CONNELL
Deputy Clerk

RECEIVED
MAY 16 2011
DEPARTMENT OF
WATER RESOURCES

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By _____	Clerk Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-00289
37-04415 37-04416

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 12, 2011, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX
GERALD BASHAW
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Represented by:
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CERTIFICATE OF MAILING

PAGE 1
05/12/11

CITY OF KETCHUM

Represented by:

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950 W BANNOCK STE 520

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CITY OF KETCHUM

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BIG WOOD CANAL COMPANY

Represented by:

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UNITED STATES OF AMERICA

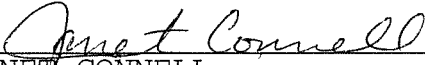
Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

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JANET CONNELL
Deputy Clerk