

DEPARTMENT OF
WATER RESOURCES

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

MAY 12 2011

DISTRICT OF THE

Clerk
Deputy Clerk

In Re SRBA
Case No. 39576

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

**FOR WATER RIGHTS: 37-2593,
37-21499, and 37-21974**

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 Robert J. Struthers on November 14, 2007. The *Objections* were resolved on April 18, 2011 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*. The parties agreed and stipulated that the use formerly recommended under water right 37-21499, as well as a portion of the use formerly described under water right 37-2593, is now recommended as water right 37-21974. The recommendation of water right 37-21499 is now disallowed.

Based on the file and record herein, IT IS RECOMMENDED that water right 37-21499 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-2593 and 37-21974 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: May 12, 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	
MAY 12 2011	
By _____	Clerk Deputy Clerk
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02593

NAME AND ADDRESS: ROBERT J STRUTHERS
388 GANNETT RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 1.45 CFS
253.80 AFY

Right Nos. 37-2593 and 37-21501 are limited to a total combined
diversion rate of 1.56 cfs.

PRIORITY DATE: 02/01/1957

POINT OF DIVERSION: T01N R19E S20 SWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.45 CFS 253.80 AFY

PLACE OF USE: Irrigation Within Blaine County
T01N R19E S20 SWNW 38.5 NWSW 34.0
72.5 Acres Total

Right Nos. 37-2593 and 37-21501 are limited to the irrigation of
a combined total of 72.5 acres in a single irrigation season.

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

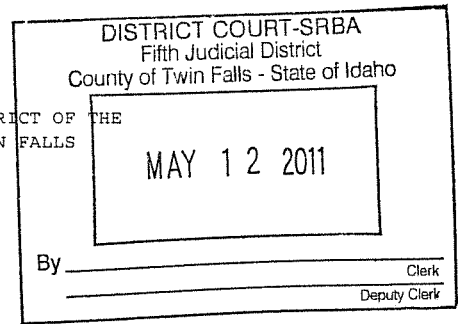
The remainder of this right recommended as Right No. 37-21974.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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
<i>Eric J. Wildman</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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21974

NAME AND ADDRESS: ROBERT J STRUTHERS
388 GANNETT RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 5.76 CFS
1008.00 AFY

PRIORITY DATE: 04/15/1981

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This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to
Section 42-1426, Idaho Code, the earlier priority right is the
superior right.

POINT OF DIVERSION: T01N R19E S20 SWNW Within Blaine County

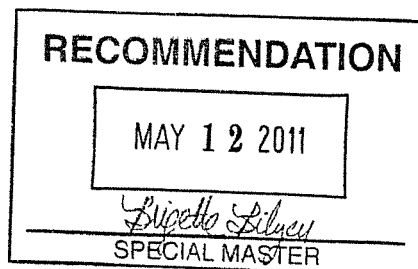
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.76 CFS 1008.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S18	SWNE 36.0 SENE 36.0 NESE 36.0 NWSE 36.0 SWSE 36.0 SESE 36.0 S19 NENE 36.0 NWNE 36.0
	288.0 Acres Total	

This right is supplemental to Right Nos. 37-353D, 37-418D,
37-419D, 37-667K, 37-2345A and 37-11671 within the 288 acre place
of use described above.

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
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By _____ Clerk Deputy Clerk

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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): 37-02593
37-21499 37-21974

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

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CERTIFICATE OF MAILING

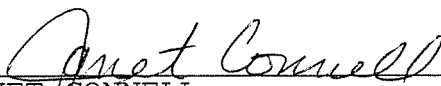
Water Right(s) : 37-02593
37-21499 37-21974

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

ROBERT J STRUTHERS
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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05/12/11