

RECEIVED
JUL 13 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATIONS; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 37-4150 and 37-
	)	4265

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.

An *Amended Objection* was filed by Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris and Big Wood Canal Company (hereafter Concerned Water Users) on November 14, 2007. An *Amended Director's Report* was filed on July 30, 2010. *Objections* were filed by James Fleig, Richard Dick, Dolores Pritchard, Arnold Landau and the Concerned Water Users. The *Objections* were resolved on June 22, 2011, with the filing of a *Standard Form 5* for each right. All parties to the subcases and IDWR are signatories to each *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: July 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

In Re SRBA)

Case No. 39576)

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

Water Right 37-04150

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

JUL 12 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

ARNOLD LANDAU
DOLORES PRITCHARD
RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 4993
KETCHUM, ID 83340

JAMES B FLEIG
PO BOX 4993
KETCHUM, ID 83340

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DEPARTMENT OF
WATER RESOURCES

SOURCE: SPRING TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.20 CFS
1.93 AFY

The aesthetic pond established under this right shall not exceed
a total capacity of 1.93 acre-feet or a total surface area
of 0.46 acres.

PRIORITY DATE: 01/01/1939

POINT OF DIVERSION: T04N R18E S30 SESENE Within Blaine County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.20 CFS
	Recreation Storage	01-01 TO 12-31	1.93 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE:	Recreation		Within Blaine County
	T04N R18E S29 S30	NWSW NESE	
	Recreation Storage		Within Blaine County
	T04N R18E S29 S30	NWSW NESE	

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

Measuring devices acceptable to the Department shall be
permanently maintained at the point of discharge to the Big Wood
River or a hydraulically connected side channel of the Big Wood
River.

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

JUL 12 2011

Elizabeth Silvey
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 37-04265

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 12 2011
By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: ARNOLD LANDAU
DOLORES PRITCHARD
RICHARD N DICK
C/O JAMES B FLEIG
PO BOX 4993
KETCHUM, ID 83340

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DEPARTMENT OF
WATER RESOURCES

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.00 CFS
1.93 AFY

The aesthetic pond established under this right shall not exceed
a total capacity of 1.93 acre-feet or a total surface area
of 0.46 acres.
Rights 37-4265, 37-8535, 37-20441 and 37-21176 when combined
shall not exceed a total diversion rate of 10.00 cfs.

PRIORITY DATE: 03/01/1939

POINT OF DIVERSION: T04N R18E S30 SENE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	4.00 CFS
	Recreation Storage	01-01 TO 12-31	1.93 AFY

Use of water under this right shall be non-consumptive.

PLACE OF USE:	Recreation	Within Blaine County
	T04N R18E S29	NWSW
	S30	NESE
	Recreation Storage	Within Blaine County
	T04N R18E S29	NWSW
	R183 S30	NESE

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

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River or a hydraulically connected side channel of the Big Wood
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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
JUL 12 2011
<i>Bigelle Silvey</i>
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

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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

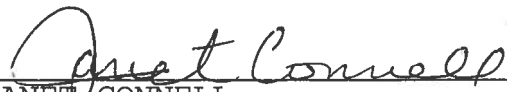
Water Right(s): 37-04150
37-04265

On July 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 July 12, 2011.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-04150
37-04265

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 July 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
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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BIG WOOD CANAL CO
BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
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Phone: 208-934-4429

ARNOLD LANDAU
BARKER LIVING TRUST
CHANAY CREEK RANCH LLC
CHARLES L MATTHIESEN
CHARLES T FOLEY
DOLORES PRITCHARD
EAGLE CREEK IRRIGATION CO
ECD INC
ELISE G LUFKIN
GIMLET PROPERTY OWNERS ASSN
GREGORY RANCH LLC
JAMES B FLEIG
LAKE CREEK MEADOWS HOMEOWNERS
MICHAEL E WILLARD
MICHAEL ENGL
MYER BERLOW
RALPH W & KANDI L GIRTON
RICHARD N DICK
RIVER ROCK RANCH LP
RIVERS EDGE ASSOCIATES LLC
ROY R WOODS
STEVEN D HOLZMAN TRUST
THE GULCH TRUST
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CERTIFICATE OF MAILING

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07/12/11

~~PERIN CORSO-HARRIS
C/O CONCERNED WATER USERS
PO BOX 1208
BELLEVUE, ID 83313~~


JANET CONNELL
Deputy Clerk