

DEPARTMENT OF
WATER RESOURCES

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

JUL 22 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 AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

WATER RIGHT NOS.: 22-276A, 22-276B, and 22-609A

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 *Objection* was filed by Ken Dunn on July 25, 2007. An *Amended Directors' Report* was filed on April 29, 2010. An *Objection* was filed to the *Amended Director's Report* by Harold K. Dunn Trust on May 25, 2011. A *Withdrawal of Objections* was filed for these rights on July 15, 2011. There are no outstanding *Objections* remaining in these subcases. These water rights will be recommended consistent with the *Amended Director's Reports*.

II. CONCLUSIONS OF LAW

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: July 22, 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

JUL 22 2011

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00276A

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HAROLD K DUNN TRUST
326 N 300 W
SALT LAKE CITY, UT 84103

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.60 CFS

The rights listed below are limited to a total combined diversion rate of 4.80 cfs. Combined Right Nos.: 22-276A, 22-276B, 22-609A, and 22-13966.

PRIORITY DATE: 06/01/1893

POINT OF DIVERSION: T06N R45E S33 SWSE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S08	NENE 29.0 NENW 40.0 NESW 33.0
		NWNE 40.0 SENW 40.0
	182.0 Acres Total	

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 22-276A, 22-276B, and 22-609A. The rights listed below are limited to the irrigation of a combined total of 182 acres in a single irrigation season. Combined Right Nos.: 22-276A, 22-276B, 22-609A, and 22-13966. The rights listed below are limited to the irrigation of a combined total of 487 acres in a single irrigation season. Combined Right Nos.: 22-276A, 22-276B, 22-609A, 22-641D, 22-11450, and 22-13966.

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

JUL 22 2011

Bigetta Lilley
SPECIAL MASTER

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JUL 26 2011

DEPARTMENT OF
WATER RESOURCES

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

JUL 22 2011

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00276B

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: H D DUNN & SON LTD PARTNERSHIP
326 N 300 W
TETONIA, ID 83452

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JUL 26 2011

DEPARTMENT OF
WATER RESOURCES

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.60 CFS

The rights listed below are limited to a total combined diversion
rate of 4.80 cfs. Combined Right Nos.: 22-276A, 22-276B,
22-609A, and 22-13966.

PRIORITY DATE: 06/01/1893

POINT OF DIVERSION: T06N R45E S33 SWSE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S08	NENE 29.0 NENW 40.0 NESW 33.0
		NWNE 40.0 SENW 40.0
	182.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 22-276A, 22-276B, 22-609A.
This right is limited to the irrigation of 80 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 182 acres in a single irrigation season.
Combined Right Nos.: 22-276A, 22-276B, 22-609A, and 22-13966.
The rights listed below are limited to the irrigation of a
combined total of 487 acres in a single irrigation season.
Combined Right Nos.: 22-276A, 22-276B, 22-609A, 22-641D,
22-11450, and 22-13966.

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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 22 2011

Bridgette Silvey
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 22-00609A

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 22 2011
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: H D DUNN & SON LTD PARTNERSHIP
326 N 300 W
TETONIA, ID 83452

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.60 CFS

The rights listed below are limited to a total combined diversion
rate of 4.80 cfs. Combined Right Nos.: 22-276A, 22-276B,
22-609A, and 22-13966.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T06N R45E S33 SWSE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S08	NENE 29.0 NENW 40.0 NESW 33.0
		NWNE 40.0 SENW 40.0
	182.0 Acres Total	

The rights listed below are limited to the irrigation of a
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combined total of 487 acres in a single irrigation season.
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22-11450, and 22-13966.

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
JUL 22 2011
<i>Lupetto Silvey</i> SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 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

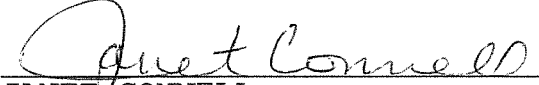
Water Right(s): 22-00276A
22-00276B 22-00609A

On July 22, 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 22, 2011.


JANET CONNELL
Deputy Clerk

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JUL 26 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 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)

CERTIFICATE OF MAILING

Water Right(s): 22-00276A
22-00276B 22-00609A

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 22, 2011, with sufficient first-class postage prepaid to the following:

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

H D DUNN & SON LTD PARTNERSHIP
HAROLD K DUNN TRUST
KEN DUNN

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/22/11