

RECEIVED
JUL 29 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 28 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
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 37-4130 and 37-
	)	4131

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 Michael S. Engle, Mid-Valley Water Company, LLC, 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.

An *Amended Director's Report* was filed on June 22, 2011. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

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 Recommendation for Partial Decrees*.

DATED: July 28, 2011.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

JUL 28 2011

In Re SRBA

Case No. 39576

By _____ Clerk

Deputy Clerk

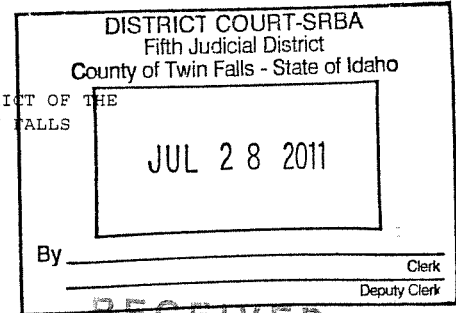
JUL 28 2011

Bugetto Lilycu
SPECIAL MASTER

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Jul-26-2011

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 37-04131



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NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY, ID 83353

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 10.50 AFY

The ponds described in Right Nos. 37-4130 and 37-4131 have a total combined storage capacity of 19.5 acre-feet and shall not be increased in size.

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION: T04N R18E S31 NESW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	10.50 AFY
	Irrigation from Storage	04-15 TO 10-31	10.50 AFY
	Recreation Storage	01-01 TO 12-31	1.50 AFY

Irrigation storage is in two ponds with a total surface area of 2.3 acres and a total combined storage capacity of 19.5 acre-feet.
Recreation storage is in a pond with a 0.3 acre surface area and 1.5 acre-feet total capacity.

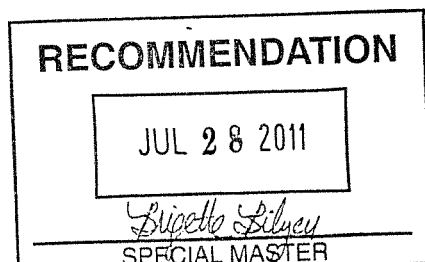
PLACE OF USE: Irrigation from Storage Within Blaine County
T04N R18E S31 NESW 3.0
3.0 Acres Total
Recreation Storage Within Blaine County
T04N R18E S31 NESW

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

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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): 37-04130
37-04131

On July 28, 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 28, 2011.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-04130
37-04131

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 28, 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

PAGE 1
07/28/11

BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

BARKER LIVING TRUST

CHANEY CREEK RANCH LLC

CHARLES L MATTHIESEN

CHARLES T FOLEY

EAGLE CREEK IRRIGATION CO

ECD INC

ELISE G LUFKIN

GIMLET PROPERTY OWNERS ASSN

GREGORY RANCH LLC

LAKE CREEK MEADOWS HOMEOWNERS

MICHAEL E WILLARD

MICHAEL ENGL

MICHAEL S ENGL

MYER BERLOW

RALPH W & KANDI L GIRTON

RIVER ROCK RANCH LP

RIVERS EDGE ASSOCIATES LLC

ROY R WOODS

STEVEN D HOLZMAN TRUST

THE GULCH TRUST

THE R DANIEL OLMSTEAD

WILLIAM B GORDON

Represented by:

JAMES P. SPECK

SPECK & AANESTAD

120 EAST AVENUE

PO BOX 987

KETCHUM, ID 83340

Phone: 208-726-4421

MID-VALLEY WATER CO INC

Represented by:

MICHAEL P LAWRENCE

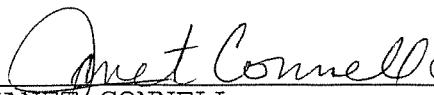
601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

CERTIFICATE OF MAILING

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JANET CONNELL 07/28/11
Deputy Clerk