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SEP 13 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 27-37N

I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued for this water right on May 27, 2011. Subsequently, on August 9, 2011 the Idaho Department of Water Resources notified the court that the *Special Master's Report and Recommendation* contained an error in describing the point of diversion element. An *Order of Reference Appointing Brigitte Bilyeu as Special Master* was issued on August 9, 2011.

A hearing was held on August 31, 2011. At the hearing, IDWR explained that it recommends changing the legal description for the point of diversion for this right. The physical location of the point of diversion has not changed, but the *Director's Report* and subsequent *Master's Report and Recommendation* named the wrong quarter quarters or lot numbers. The proposed changes were sent to the claimant attached to the *Order Setting Status Conference Regarding Correction to Point of Diversion*. Claimant Merlin Yancy attended the hearing and agreed with the change in the legal description.

There was no opposition to the proposed correction to the legal description for this right. Therefore, this water right will be recommended consistent with the *Amended Director's Report* attached to the *Order Setting Status Conference Regarding Correction to Point of Diversion*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: September 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

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DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 27-00037N

NAME AND ADDRESS: DOROTHY H YANCEY
MERLIN YANCEY
707 W 300 S
BLACKFOOT, ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.50 CFS

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION: T03S R35E S08 LOT 24 (SWNE) Within Bingham County
S18 LOT 6 (NWSWNE)

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T03S R34E S23	SENE 18.0
	53.0 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

SEP 12 2011

Diorella Silvey
SPECIAL MASTER

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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

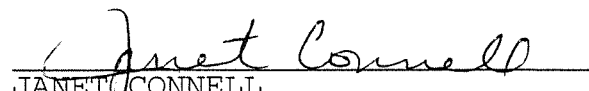
Water Right(s): 27-00037N

On September 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 September 12, 2011.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 27-00037N

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

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

DOROTHY H YANCEY
MERLIN YANCEY
707 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-0908


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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09/12/11