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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 23 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 NO.: 21-7305
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 a recommendation for the elements of this water right.

No objections were filed for water right 21-7305. Water right 21-7305, however, is used in combination with water right 21-7138 which was the subject of *Objections*. A *Motion to File Amended Notice of Claim* was filed in 21-7138 on August 19, 2010 by multiple claimants to assert a recovered water/recharge theory (hereafter "rec/rec"). That theory and the related Amended Claims were later withdrawn by the claimants in consolidated subcase 00-92020.

Subsequently, IDWR reviewed its *Director's Reports* for the rec/rec subcases to insure that it had included the elements from prior decrees, licenses and transfers. Subcase 21-7138 was identified by IDWR as one of the 55 subcases which needed changes due to omission of elements from prior decrees, licenses, or transfers. *Joint Order Setting Deadlines and Status Conference*. (Subcase 00-92020, July 5, 2011, Exhibit 2)

A Status Conference was held on August 3, 2011 in subcase 00-92020. At the hearing, the parties agreed to resolve all *Objections* and *Responses* to the 51 of the 55 subcases by oral *Stipulation* on the record. The parties agreed that subcase 21-7138 should be recommended and decreed with the elements of the *Amended Director's Report* sent to the parties by IDWR. There are no outstanding *Objections* remaining in subcase 21-7138.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that water right 21-7305 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: September 23, 2011.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 21-07305

TO

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

SEP 23 2011

By _____ Clerk

Deputy Clerk

PATRICIA MILLER
210 N CENTER-PARKER
ST ANTHONY, ID 83445

POINT OF DIVERSION: T07N R39E S01 SWNW Within Fremont County

PLACE OF USE:	Irrigation		Within Fremont County
	T07N R39E S01 LOT 3	(NENW) 34.0	LOT 4 (NWNW) 35.0
		SWNW 40.0	SENW 40.0
		NWSW 29.0	
	178.0 Acres Total		

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

RULE 54 (b) CERTIFICATE

RECOMMENDATION

SEP 23 2011

Bijette Lilley

SPECIAL MASTER

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Sep-20-2011

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

SEP 23 2011

By _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE ^{Clerk}
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS ^{Clerk}

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

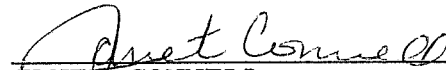
Water Right(s): 21-07305

On September 23, 2011, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 23, 2011.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho SEP 23 2011 By _____ 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): 21-07305

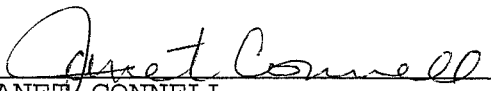
CERTIFICATE OF MAILING

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 23, 2011, with sufficient first-class postage prepaid to the following:

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

DELL MILLER
1721 E 500 N
ST ANTHONY, ID 83445
Phone: 208-624-7548

PATRICIA MILLER
210 N CENTER-PARKER
ST ANTHONY, ID 83445
Phone: 208-624-7478


JANET CONNELL
Deputy Clerk