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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

SEP 30 2011

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

)
) FOR WATER RIGHTS: 37-206, 37-
) 22225 and 37-22226

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-206 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.

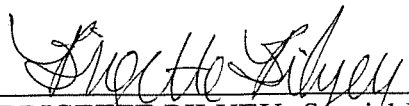
A *Notice of Completed Administrative Proceeding* was filed on October 5, 2007 which split the former parent right 37-206 into assigned split right numbers 37-22225 and 37-22226. An *Objection* was filed for water right 37-22225 by John Brown, Inc. on November 14, 2007. An *Amended Director's Report* was filed for 37-22225 on March 18, 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.

No objections were filed to water right 37-22226. Water right 37-22226 will be recommended consistent with the *Notice of Completed Administrative Proceeding* filed on October 5, 2011.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-206 not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22225 and 37-22226 be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: September 30, 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 SEP 30 2011 By _____ Clerk Deputy Clerk
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-22225

NAME AND ADDRESS: BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 3.14 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.14 CFS
	Stockwater	03-01 TO 11-30	0.02 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T01N R18E S14	SWNW 8.3	NESW 32.0
		NWSW 40.0	SWSW 39.0
		SESW 34.0	NWSE 33.0
	S15	SENE 8.0	NESW 8.2
		SESW 25.0	NESE 40.0
		NWSE 33.0	SWSE 40.0
		SESE 40.0	
	S22	NENE 39.0	NWNE 39.0
	S23	NWNW 38.0	SWNW 37.0
	533.5 Acres Total		

Stockwater		Within Blaine County
T01N R18E S14	SWNW	NESW
	NWSW	SWSW
	SESW	NWSE
S15	SENE	NESW
	SESW	NESE
	NWSE	SWSE
	SESE	
S22	NENE	NWNE
S23	NWNW	SWNW

The rights listed below are limited to the irrigation of a combined total of 527.0 acres in a single irrigation season.
Combined Right Nos.: 37-22219, 37-22221, 37-22223, 37-22225, and 37-22227.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

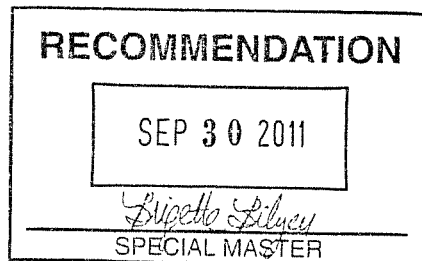
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

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 37-22226

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

SEP 30 2011

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: CITY OF BELLEVUE
PO BOX 449
BELLEVUE, ID 83313-0449

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.06 CFS

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.06 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R18E S14 NESW 6.3	NWSE 3.1
	9.4 Acres Total	

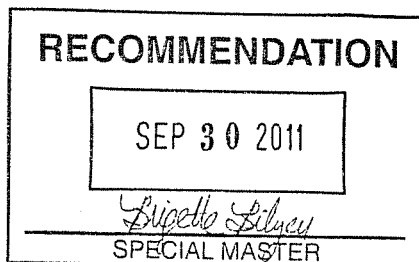
The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season.
Combined Right Nos.: 37-22220, 37-22222, 37-22224, 37-22226 and 37-22228.

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 30 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): 37-00206
37-22225 37-22226

On September 30, 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.

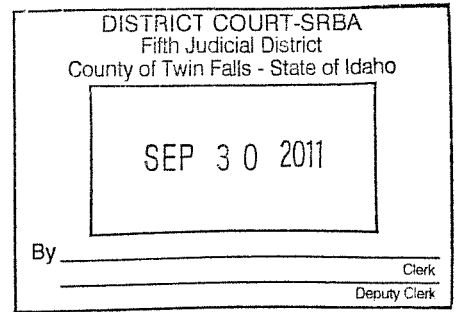
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 30, 2011.



JANET CONNELL
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): 37-00206
37-22225 37-22226

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 30, 2011, with sufficient first-class postage prepaid to the following:

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

BROWN RANCH INC
JOHN BROWN INC
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

CITY OF BELLEVUE
PO BOX 449
BELLEVUE, ID 83313-0449

CERTIFICATE OF MAILING

PAGE 1
09/30/11

JOHN BROWN INC - Rep. by *Josephine Beaman*
247 GLENDALE RD
BELLEVUE, ID 83313
Phone: 208-788-2593



JANET CONNELL
Deputy Clerk