

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

SEP 30 2011

DISTRICT OF THE

By _____ Clerk
TWIN FALLS _____ 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**

FOR WATER RIGHTS: 37-203, 37-22219 and 37-22220

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-203 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 37-203 into assigned split right numbers 37-22219 and 37-22220. An *Objection* was filed for water right 37-22219 by John Brown, Inc. on November 14, 2007.

The *Objection* for 37-22219 was resolved on August 23, 2011, with the filing of a *Standard Form 5*. All parties to the subcases and IDWR are signatories to the *Standard Form 5*.

No objections were filed to water right 37-22220. Water right 37-22220 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 37-203 not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22219 and 37-22220 be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: September 30, 2011.

Brigitte Bilyeu
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-22219

By _____ Clerk
Deputy Clerk

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

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 6.29 CFS

PRIORITY DATE: 05/02/1884

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	6.29 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		

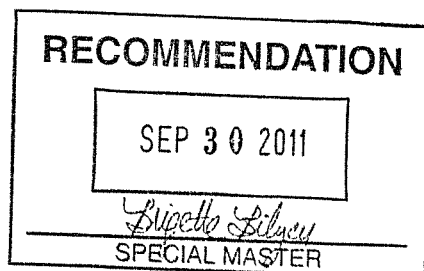
The rights listed below are limited to the irrigation of a combined total of 527.0 acres in a single irrigation season. Combined Right Nos.: 37-22219, 37-22221, 37-22223, 37-22225, 37-22227.

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

By _____ Clerk
_____ Deputy Clerk

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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): 37-00203
37-22219 37-22220

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

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-00203
37-22219 37-22220

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

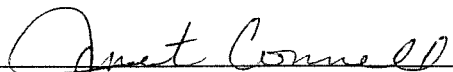
BROWN RANCH INC
JOHN BROWN INC
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

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

CERTIFICATE OF MAILING

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



JANET CONNELL
Deputy Clerk