

RECEIVED
OCT 18 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 17 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.: 27-35D, 27-35A
	)	and 27-35B

I. FINDINGS OF FACT

A claim was filed for water right 27-35D 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 Reports* contained a recommendation for the elements of water right 27-35D.

Objections were filed by the Shoshone-Bannock Tribes, the United States Bureau of Indian Affairs, and the United States Bureau of Land Management.

The Shoshone-Bannock Tribes and the United States Bureau of Indian Affairs filed a *Notice of Withdrawal of Objection* for water right 27-35D. There was no opposition to the withdrawal of the *Objections*. The remaining *Objection* was resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 27-35D into assigned split right numbers 27-35A and 27-35B. All parties to the subcase and IDWR are signatories to the Standard Form.

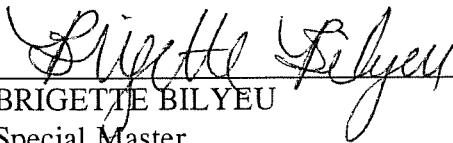
A. Digital Boundary

The place of use for these rights is a digital boundary and is illustrated by the map overlay attached to the *Recommendation for Partial Decree*. The digital boundary for the place of use is described on a CD-Rom filed with the court.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 27-35D not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 27-35A and 27-35B be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: October 17, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 27-00035A

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 17 2011
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: EASTERN IDAHO WATER CO
279 N 400 E
BLACKFOOT, ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 19.67 CFS

PRIORITY DATE: 10/01/1885

POINT OF DIVERSION: T02S R37E S11 NWSW Within Bingham County
S17 LOT 3 (NWSW)
T03S R35E S08 LOT 24 (SWNE)
S09 LOT 1 (SENE)
S12 LOT 1 (SESE)
S18 LOT 6 (SWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	19.67 CFS

PLACE OF USE:

The rights listed below are limited to the irrigation of a combined total of 2607 acres in a single irrigation season. Combined Right Nos.: 27-22A, 27-22B, 27-35A and 27-35B. Place of use is within the area served by Eastern Idaho Water Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

2607 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).

RECOMMENDATION
OCT 17 2011
<i>Digette Lilley</i> SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

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 27-00035B

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 17 2011
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: EASTERN IDAHO WATER CO
279 N 400 E
BLACKFOOT, ID 83221

SOURCE: WOLVERINE CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.33 CFS

Right Nos. 27-22B and 27-35B are limited to a total combined
annual diversion volume of 161 AF.

PRIORITY DATE: 10/01/1885

Pursuant to a call in times of scarcity on Wolverine Creek, this
right has a priority date of April 1, 1980.

POINT OF DIVERSION: T02S R38E S10 SWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.33 CFS

PLACE OF USE:

The rights listed below are limited to the irrigation of a
combined total of 2607 acres in a single irrigation season.
Combined Right Nos.: 27-22A, 27-22B, 27-35A and 27-35B.
The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) and authorized pursuant to I.C. Section
42-1411(2)(h). The data comprising the digital boundary are
incorporated herein by reference and are stored on a CD-ROM disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.
Place of use is within the area served by Eastern Idaho Water
Company.
Right Nos. 27-22B and 27-35B are limited to the irrigation of a
combined total of 46 acres in a single irrigation season.
2607 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).

RECOMMENDATION
OCT 17 2011
<i>Bucella Dilyou</i> SPECIAL MASTER

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WATER RESOURCES

RULE 54(b) CERTIFICATE

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

DISTRICT COURT CLERK
 County of Bingham
 State of Idaho
 By _____
 Clerk
 Deputy Clerk

WR

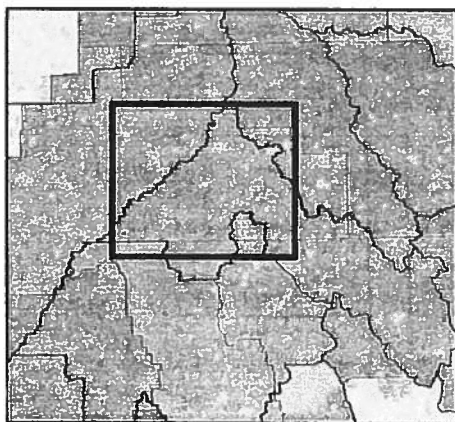
Location Service Area Boundary
 Place of Use Illustration

Legend

Eastern Idaho Water Company

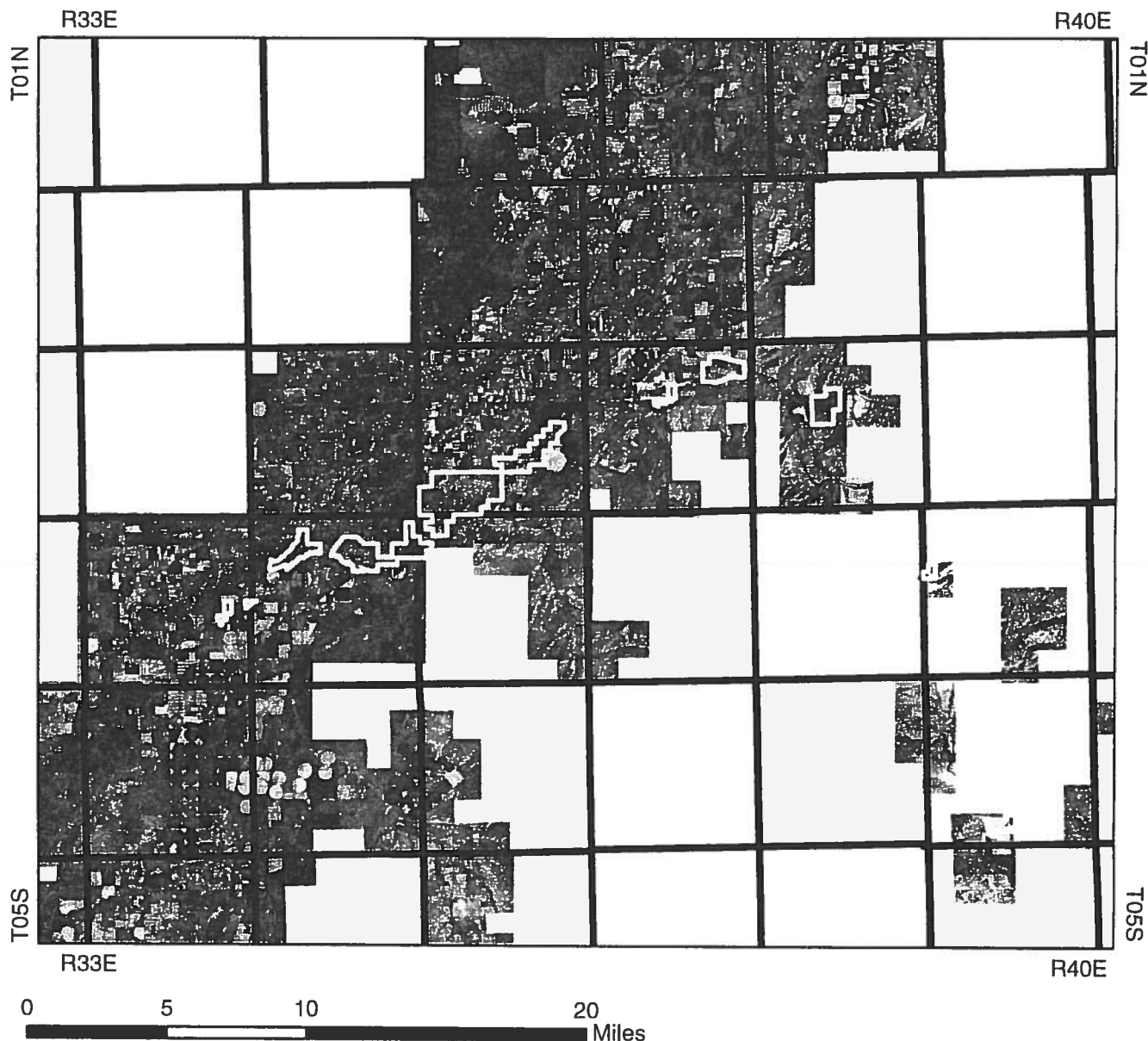
Adjudication Recommendations: 27-22A, 27-22B, 27-35A, 27-35B

- Service Area
-  State Outline
-  Townships



**Bingham County
 IDWR Basin 27**

Prepared by Favreau, Danielle
 On June 02, 2011
 1987/88 Aerial Photography



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

SEP 12 2011

BY _____

Clerk

Deputy Clerk

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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): 27-00035A
27-00035B 27-00035D

On October 17, 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 October 17, 2011.



JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 27-00035A
27-00035B 27-00035D

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 October 17, 2011, with sufficient first-class postage prepaid to the following:

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

COMMITTEE OF NINE
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

CERTIFICATE OF MAILING

PAGE 1
10/17/11

EASTERN IDAHO WATER CO

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

STATE OF IDAHO

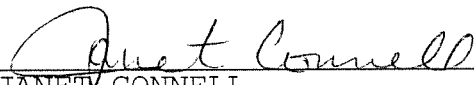
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

COMMITTEE OF NINE

Represented by:
RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

U.S. BUREAU OF INDIAN AFFAIRS
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724


JANET CONNELL
Deputy Clerk