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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 ON MOTION
Case No. 39576	)	TO SET ASIDE FINAL ORDER
	)	DISALLOWING WATER RIGHT CLAIM
	)	
	)	WATER RIGHT NO.: 37-21386
_____	)	

I. PROCEDURAL BACKGROUND

The SRBA District Court issued a *Final Order Disallowing Water Right Claim* for this water right on October 12, 2010. A *Motion to Set Aside Final Order Disallowing Water Right Claim* was filed by Robbins Trust and O'Connor Trust on April 21, 2011. Presiding Judge Eric J. Wildman issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on April 22, 2011. A hearing on the *Motion to Set Aside Partial Decree* and *Motion to Amend Claim* was held on May 4, 2011. There was no opposition to the *Motions*.

II. FINDINGS OF FACT

In support of the *Motion*, the Robbins Trust and O'Connor Trust explained that in order to accommodate a global settlement of this right together with 37-21793 and 37-21794, the parties agreed to set aside the *Final Order Disallowing Water Right Claim*. The parties concurred that sufficient grounds exist for setting aside the *Final Order*, and they agree that 37-21386 is now accurately described. No parties to the SRBA opposed the *Motion*. The *Motion to File Amended Claim* was granted.

An *Amended Director's Report* was filed on May 27, 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.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Final order Disallowing Water Right Claim* be **granted**, and that an *Amended Partial Decree* be issued with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. The recommended elements are consistent with the *Amended Director's Report*.

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

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

OCT 17 2011

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21386

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE, ID 83313

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.40 CFS

The rights listed below are limited to a total combined diversion
rate of 4.16 cfs. Combined Right Nos.: 37-21793, 37-21386.

PRIORITY DATE: 05/01/1913

POINT OF DIVERSION: T04N R19E S28 NWNWSW Within Blaine County
S29 SESESW
SWNESE
NESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T04N R19E S29	SWSW 12.0 NWSE 1.2 NENW 7.3
	S32	SESW 29.0 SWSE 27.0
	76.5 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 76.5 acres in a single irrigation season.
Combined Right Nos.: 73-21793, 37-21386.

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

OCT 17 2011

Bugella Lilley
SPECIAL MASTER

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