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OCT 25 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho OCT 24 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 21-7564
_____	)	

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.

Objections and *Responses* were filed by various parties. A *Motion to File Amended Notice of Claim* was filed 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 That theory and the related *Amended Claims* were later withdrawn by the claimants in consolidated subcase 00-92020.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. This subcase 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 51 of the 55 subcases by oral *Stipulation*

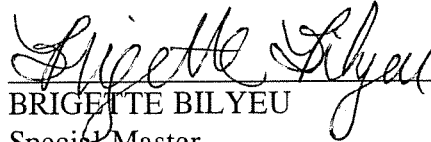
on the record. The parties agreed that this subcase be recommended and decreed with the elements of the *Amended Director's Report* previously sent to the parties by IDWR.

A *Special Master's Report and Recommendation* was issued on September 23, 2011. IDWR notified the Court of a clerical error in the period of use recommendation. The *Special Master's Report and Recommendation* listed the period of use as 04-01 to 10-15. The period of use should have been 04-15 to 10-15. This *Amended Special Master's Report and Recommendation* corrects the period of use. No other corrections or changes have been made to the *Recommendation*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 24, 2011.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

OCT 24 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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 21-07564

NAME AND ADDRESS: BRG LIMITED PARTNERSHIP
1908 E 500 N
ST ANTHONY, ID 83445

SOURCE: GROUND WATER

QUANTITY: 11.69 CFS
2912.00 AFY

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This right when combined with all other rights shall provide no
more than .02 cfs per acre nor more than 3.5 afa per acre for
irrigation of the lands herein.

PRIORITY DATE: 01/17/1966

POINT OF DIVERSION: T08N R41E S05 SWSE Within Fremont County
S08 SENE
SESW
S17 SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-15	11.69 CFS 2912.00 AFY

PLACE OF USE:	Irrigation	Within Fremont County
T08N R41E S05	SWNE 9.0 SENE 2.0 SESW 38.0 NWSE 40.0 SESE 38.0	SENE 2.0 NESW 31.0 NESE 31.0 SWSE 40.0
S08	NENE 26.0 SWNE 39.0 NENW 34.0 SWNW 39.0 NESW 37.0 SESW 37.0 NWSE 40.0	NWNE 38.0 SENE 39.0 NWNW 25.0 SENE 39.0 NWSW 6.0 NESE 11.0 SWSE 35.0
S17	NWNE 28.0 NENW 33.0 SENE 39.0 NWSE 8.0	SWNE 37.0 SWNW 1.0 NESW 10.0
832.0 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 24 2011

Shirley L. Lacey
SPECIAL MASTER

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

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WATER RESOURCES

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

OCT 24 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
AMENDED SPECIAL MASTER'S
RECOMMENDATION

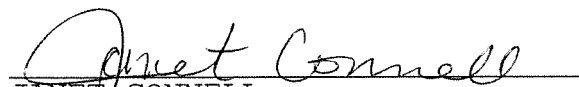
Water Right(s) : 21-07564

On October 24, 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 October 24, 2011.


JANET CONNELL
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

CERTIFICATE OF MAILING

Water Right(s) : 21-07564

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ^{AMENDED} 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 24, 2011, with sufficient first-class postage prepaid to
the following:

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

AMERICAN FALLS RESERVOIR

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

CERTIFICATE OF MAILING

PAGE 1
10/24/11

BRG LIMITED PARTNERSHIP
EGIN BENCH CANALS INC
FREMONT MADISON IRRIGATION

Represented by:

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

MILNER IRRIGATION DISTRICT

Represented by:

JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

STATE OF IDAHO

Represented by:

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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:

ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

Represented by:

TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

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

MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250


JANET CONNELL
Deputy Clerk