

RECEIVED
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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 21-7305

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.

No objections were filed for water right 21-7305. Water right 21-7305, however, is used in combination with water right 21-7138 which was the subject of *Objections*. A *Motion to File Amended Notice of Claim* was filed in 21-7138 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 That theory and the related Amended Claims were later withdrawn by the claimants in consolidated subcase 00-92020.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. Subcase 21-7138 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 the 51 of the 55 subcases by oral *Stipulation* on the record. The parties agreed that subcase 21-7138 should be recommended and decreed with the elements of the *Amended Director's Report* sent to the parties by IDWR. There are no outstanding *Objections* remaining in subcase 21-7138.

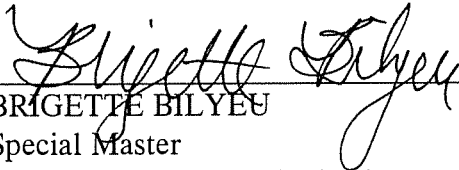
A *Special Master's Report and Recommendation* was issued on September 23, 2011. IDWR notified the court of an error contained in the recommendation for this right. This water right is uncontested and overlaps with water right 21-7138. Recently, some changes were made to water right 21-7138 as part of the first round of "rec/rec" review which required revising this water right. Specifically, the period of use was updated and a quantity remark added to reflect the underlying license because the two rights share a common system.

This *Amended Special Master's Report and Recommendation* updates the period of use and includes the quantity remark. No other corrections or changes have been made to this *Recommendation*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that water right 21-7305 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

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-07305

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 24 2011
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: DELL MILLER
1721 E 500 N
ST ANTHONY, ID 83445

PATRICIA MILLER
210 N CENTER-PARKER
ST ANTHONY, ID 83445

SOURCE: GROUND WATER

QUANTITY: 1.26 CFS
220.50 AFY

Right Nos. 21-7138 and 21-7305 are limited to a total combined
diversion rate of 3.32 cfs.

PRIORITY DATE: 03/26/1987

POINT OF DIVERSION: T07N R39E S01 SWNW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.26 CFS 220.50 AFY

PLACE OF USE: Irrigation Within Fremont County
T07N R39E S01 LOT 3 (NENW) 34.0 LOT 4 (NWNW) 35.0
SWNW 40.0 SENW 40.0
NWSW 29.0
178.0 Acres Total

This right is limited to the irrigation of 63 acres within the
place of use described above in a single irrigation season.
Right Nos. 21-7305 and 21-7138 are limited to the irrigation of
a combined total of 178 acres in a single irrigation season.

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
<i>Duette Lilley</i> SPECIAL MASTER

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
AMENDED SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 21-07305

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 Re SRBA)
Case No. 39576)
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CERTIFICATE OF MAILING

Water Right(s) : 21-07305

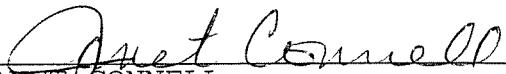
CERTIFICATE OF MAILING

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

DELL MILLER
1721 E 500 N
ST ANTHONY, ID 83445
Phone: 208-624-7548

PATRICIA MILLER
210 N CENTER-PARKER
ST ANTHONY, ID 83445
Phone: 208-624-7478


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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10/24/11