

RECEIVED
OCT 27 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 26 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
	)	
	)	FOR WATER RIGHTS: 37-22116 and
_____	)	37-22117

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.

An *Objection* was filed by Lava Lake Land & Livestock LLC on August 9, 2010. The *Objection* was resolved on August 2, 2011 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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 26, 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 37-22116

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

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY, ID 83333

SOURCE: COPPER CREEK TRIBUTARY: LAVA LAKE

QUANTITY: 200.00 AFY

The capacity of the storage reservoir is 50 AF. The reservoir
may be refilled multiple times in a single year.

PRIORITY DATE: 08/03/1954

POINT OF DIVERSION: T01N R23E S16 NWNWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	50.00 AFY
	Irrigation from Storage	04-15 TO 10-31	200.00 AFY

PLACE OF USE: Irrigation Storage Within Blaine County
T01N R23E S09 SWSE
S16 NWNE

Irrigation from Storage		Within Blaine County	
T01N R23E S16	SWSE 14.0		
S21	NENE 15.0	NWNE 31.0	
	SWNE 22.0	SENE 40.0	
	NESE 40.0	NWSE 18.0	
	SWSE 28.0	SESE 40.0	
S22	SWNW 33.0	NWSW 40.0	
	SWSW 40.0	SESW 11.0	
S27	NENW 28.0	NWNW 37.0	
	SWNW 30.0		
S28	NENE 41.0	NWNE 21.0	
	SWNE 6.8	SENE 40.0	
	NESE 12.0	NWSE 1.9	

589.7 Acres Total

This right is limited to the irrigation of 253 acres within the
place of use described above 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 26 2011
<i>Bigella Delaney</i> 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

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 26 2011

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 37-22117

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LAVA LAKE LAND & LIVESTOCK LLC
PO BOX 2249
HAILEY, ID 83333

SOURCE: BARN CANYON CREEK TRIBUTARY: COPPER CREEK

QUANTITY: 39.20 AFY

The capacity of the storage reservoir is 9.8 AF. The reservoir
may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T01N R23E S22 SENESW Within Blaine County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	01-01 TO 12-31	9.80 AFY
Irrigation from Storage	04-15 TO 10-31	39.20 AFY
Stockwater Storage	01-01 TO 12-31	9.80 AFY
Stockwater from Storage	01-01 TO 12-31	39.20 AFY

PLACE OF USE: Irrigation Storage Within Blaine County
T01N R23E S22 NESW

Irrigation from Storage Within Blaine County

T01N R23E S16	SWSE 14.0	
S21	NENE 15.0	NWNE 31.0
	SWNE 22.0	SENE 40.0
	NESE 40.0	NWSE 18.0
	SWSE 28.0	SESE 40.0
S22	SWNW 33.0	NWSW 40.0
	SWSW 40.0	SESW 11.0
S27	NENW 28.0	NWNW 37.0
	SWNW 30.0	
S28	NENE 41.0	NWNE 21.0
	SWNE 6.8	SENE 40.0
	NESE 12.0	NWSE 1.9

589.7 Acres Total

Stockwater Storage Within Blaine County

T01N R23E S22 NESW

Stockwater from Storage Within Blaine County

T01N R23E S22 NESW

This right is limited to the irrigation of 336.7 acres within
the place of use described above 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 26 2011

Bigelow Bilney
SPECIAL MASTER

RULE 54(b) CERTIFICATE

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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-22116
37-22117

On October 26, 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 26, 2011.



JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-22116
37-22117

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 26, 2011, with sufficient first-class postage prepaid to the following:

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

LAVA LAKE LAND & LIVESTOCK LLC

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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10/26/11