

RECEIVED
NOV 14 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 10 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 NO.: 27-12017,
	)	27-12200, and 27-12201

I. FINDINGS OF FACT

The Idaho Department of Water Resources alerted the SRBA Court regarding clerical errors contained in the *Director's Reports* for 22 subcases in Basin 27. These water rights were identified as subcases that contained that clerical error. A *Notice of Completed Administrative Proceeding* was filed on August 24, 2009 which resulted in splitting the former parent right 27-12017 into assigned split right numbers 27-12200 and 27-12201.

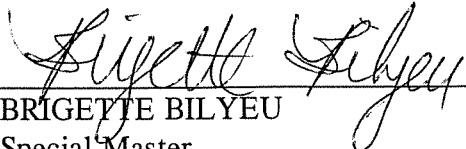
A hearing was held on September 28, 2011. At the hearing, IDWR explained that it recommends changing the legal description for the point of diversion for these rights. The physical location of the point of diversion has not changed, but the *Director's Report* named the wrong quarter quarters or lot numbers. The proposed changes were sent to the claimants attached to the *Second Order Setting Status Conference Regarding Correction to Point of Diversion*. (September 8, 2011)

The claimants failed to attend the hearing and thus failed to show why these water rights should not be recommended with the attached proposed elements. There was no opposition to the proposed correction to the legal description for these rights. Therefore, these water rights will be recommended consistent with the *Amended Director's Report* attached to the *Second Order Setting Status Conference Regarding Correction to Point of Diversion*. (September 8, 2011)

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 27-12017 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 27-12200 and 27-12201 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

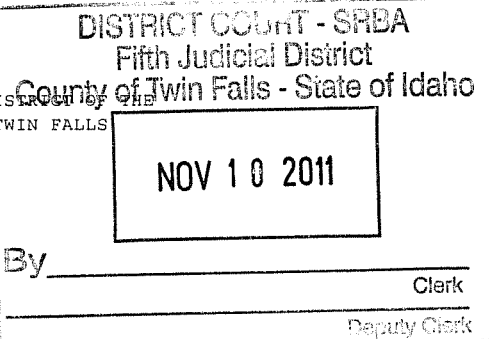
DATED: November 10, 2011.



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
Case No. 39576)
) I.R.C.P. 54(b) FOR
)
) Water Right 27-12200



NAME AND ADDRESS: CASEY CLEMENTS
LOECCA MARGRAVE
420 S UNIVERSITY
BLACKFOOT, ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.23 CFS

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION: T03S R35E S08 LOT 24 (SWNE) Within Bingham County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	0.23 CFS

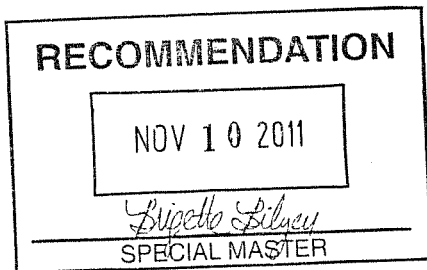
PLACE OF USE: Irrigation Within Bingham County
T03S R34E S13 NESW 7.4
7.4 Acres Total

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).

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.

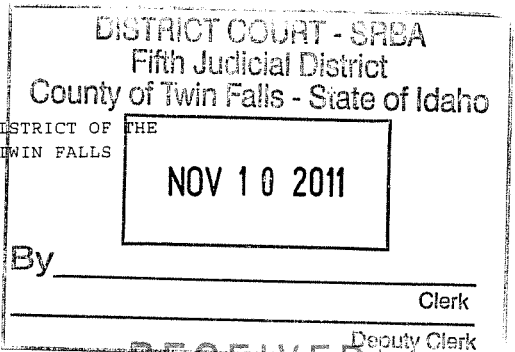


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 27-12201



NAME AND ADDRESS: LEON JENSEN
PATTY JENSEN
180 N 360 W
BLACKFOOT, ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.15 CFS

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION: T03S R35E S08 LOT 24 (SWNE) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.15 CFS

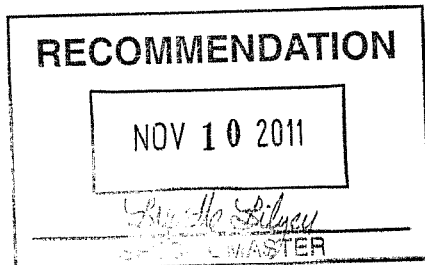
PLACE OF USE: Irrigation Within Bingham County
T03S R34E S13 NESW 5.0
5.0 Acres Total

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
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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

NOV 10 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
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 27-12017
27-12200 27-12201

On November 10, 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 November 10, 2011.


JANET CONNELL
Deputy Clerk

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NOV 14 2011

DEPARTMENT OF
WATER RESOURCES

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

NOV 10 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 27-12017

27-12200 27-12201

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 November 10, 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
11/10/11

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

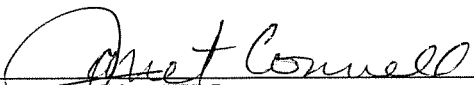
UNITED STATES OF AMERICA

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

LEON JENSEN
PATTY JENSEN
180 N 360 W
BLACKFOOT, ID 83221

CASEY CLEMENTS
LOECCA MARGRAVE
420 S UNIVERSITY
BLACKFOOT, ID 83221

CASEY CLEMENTS
420 SOUTH UNIVERSITY
BLACKFOOT, ID 83221
Phone: 208-785-9637



JANET CONNELL
Deputy Clerk