

DEPARTMENT OF
WATER RESOURCES

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

NOV 10 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

Clerk

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Deputy Clerk

In Re SRBA	)	SPECIAL MASTER’S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 27-10847

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. This water right was identified as one of the subcases that contained that clerical error.

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 this right. 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 claimant attached to the *Second Order Setting Status Conference Regarding Correction to Point of Diversion*.

The claimant failed to attend the hearing and thus failed to show why this water right should not be recommended with the attached proposed elements. There was no opposition to the proposed correction to the legal description for this right. Therefore, this water right 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 this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: November 10, 2011.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

NOV 10 2011

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 27-10847

By _____ Clerk

Deputy Clerk

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NOV 14 2011

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: CORDELL E STEWART
JUDITH ANN STEWART
563 W 200 S
BLACKFOOT, ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 10/01/1984

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 05-01 TO 10-31 0.07 CFS

PLACE OF USE: Irrigation Within Bingham County
T03S R35E S18 NENW 4.0
4.0 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).

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

NOV 10 2011

Dipette Dilyeu
SPECIAL MASTER

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

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

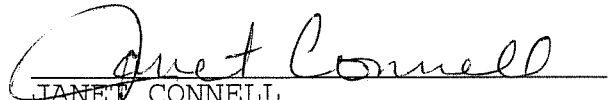
Water Right(s): 27-10847

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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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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 27-10847

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:
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SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
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202 N ARTHUR
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CERTIFICATE OF MAILING

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11/10/11

STATE OF IDAHO

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STATE OF IDAHO
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COMMITTEE OF NINE

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UNITED STATES OF AMERICA

Represented by:
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ENVIRONMENT & NATL' RESOURCES
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JANET CONNELL
Deputy Clerk