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NOV 23 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 21 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.: 27-16A

I. FINDINGS OF FACT

A *Partial Decree* was issued for this water right on June 1, 2011. On August 8, 2011 the Idaho Department of Water Resources alerted the SRBA Court regarding clerical errors contained in the *Director's Reports* and subsequent *Master's Reports* and *Partial Decrees* for 12 subcases in Basin 27. This water right was identified as one of the subcases that contained that clerical error. An *Order of Reference Appointing Brigitte Bilyeu as Special Master* was issued by presiding Judge Eric J. Wildman on August 9, 2011.

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 Amended Partial Decree*.

DATED: November 21, 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 27-00016A

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NAME AND ADDRESS: AUDREY H BEAN
1240 REBECCA DR
BLACKFOOT, ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.44 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
Use of this right with rights listed below is limited to a total combined diversion rate of 0.97 cfs. Combined Right Nos.: 27-4F, 27-16A, 27-37C
This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 07/01/1873

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	0.44 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T03S R35E S07 LOT 6 (SWSW) 5.9	LOT 20 (SESW) 0.3
	LOT 7 (SESW) 8.9	LOT 21 (SWSE) 2.6
	LOT 8 (SWSE) 1.2	
	18.9 Acres Total	

Use of this right with the rights listed below is limited to the irrigation of a combined total of 18.9 acres in a single irrigation season. Combined Right Nos.: 27-4F, 27-16A, 27-37C.
This right is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Use of water under this water right will be regulated by the watermaster of State Water District No. 27.

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
NOV 21 2011
<i>Dipietro Dineen</i>
SPECIAL MASTER

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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

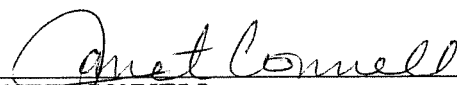
Water Right(s): 27-00016A

On November 21, 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 21, 2011.



JANET CONNELL
Deputy Clerk

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 27-00016A

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 21, 2011, with sufficient first-class postage prepaid to the following:

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

AUDREY H BEAN
1240 REBECCA DR
BLACKFOOT, ID 83221
Phone: 208-785-0792



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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