

RECEIVED
DEC 30 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 29 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 NOS.: 37-2736A and
	)	37-13270A

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights 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 recommendations for the elements of these water rights.

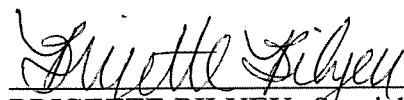
No objections were filed for these water rights. These water rights, however, are used in combination with water rights 37-35A, 37-454A, 37-463A, 37-463C, 37-728A, 37-730A, 37-2139A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, and 37-13271A which were the subject of *Objections*. There are no unresolved objections remaining in these subcases.

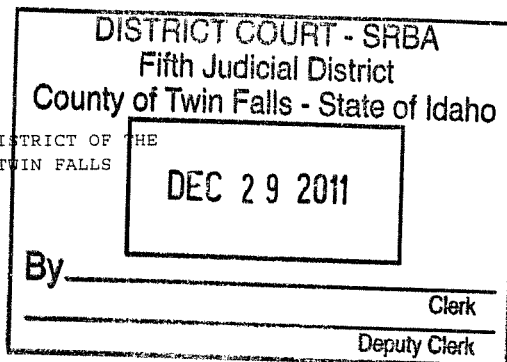
Standard Forms 5 were filed for water rights 37-2736A and 37-13270A on November 14, 2011. This Court notes that these water rights were included in the Basin 37 Part 2 General Provision. The recommendations of these rights did not include the separate stream language but should have. The *SF5's* add the separate stream language to these water rights.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: December 29, 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 37-02736A

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

SOURCE: CORRAL CREEK TRIBUTARY: CAMAS CREEK
EAST FORK CORRAL CREEK TRIBUTARY: CORRAL CREEK
WEST FORK CORRAL CREEK TRIBUTARY: CORRAL CREEK

Point of injection into and point of redirection from Lansing
Creek.

QUANTITY: 2.52 CFS

Rights 37-463A and 37-2736A when combined shall not exceed the
total annual maximum diversion volume of 834.4 af at the field
headgate nor the irrigation of 238.4 acres.
Rights 37-35A, 37-454A, 37-463A, 37-463C, 37-728A, 37-2139A,
37-2736A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, 37-13270A
and 37-13271A when combined shall not exceed a total diversion
rate of 23 cfs and a total annual maximum diversion volume of
4,031.3 af at the field headgate.
This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
field headgate for irrigation of the lands herein.

PRIORITY DATE: 05/26/1966

POINT OF DIVERSION: T01N R13E S17 SWSWSW Within Camas County
S18 SESESE
S20 NENESE
S21 SWNWNW
NWSESW (Injection)
S28 NWNWNW (Rediversion)
S29 SENENE (Rediversion)
SESESW
SENE (Rediversion)
S32 NWNENE
NENENW
NENESE (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.52 CFS

PLACE OF USE:	Irrigation	Within Camas County
	T01N R13E S28	SWSW 4.4
	S29	SESE 4.0
	S32	NENE 40.0 SENE 40.0
		NESE 40.0 SESE 40.0
	S33	NWNW 30.0 SWNW 40.0
	238.4 Acres Total	

This right is limited to the irrigation of 238.4 acres within
the authorized place of use in single irrigation season.

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

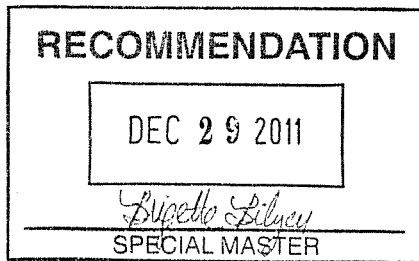
OTHER PROVISIONS (continued)

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

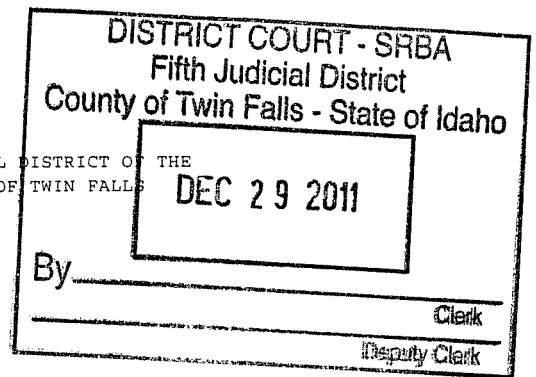
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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 37-13270A

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

SOURCE: CORRAL CREEK TRIBUTARY: CAMAS CREEK
EAST FORK CORRAL CREEK TRIBUTARY: CORRAL CREEK
WEST FORK CORRAL CREEK TRIBUTARY: CORRAL CREEK

Point of injection into and point of redirection from Lansing
Creek.

QUANTITY: 5.48 CFS

Rights 37-35A, 37-454A, 37-463C, 37-728A, 37-2139A, 37-2736,
37-13261A, 37-13267A, 37-13268A, 37-13269A, and 37-13271A when
combined shall not exceed the total annual maximum diversion
volume of 3196.9 af at the field headgate nor the irrigation of
913.4 acres.
Rights 37-35A, 37-454A, 47-463A, 47-463C, 37-728A, 37-2139A,
37-2736A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, 37-13270A
and 37-13271A when combined shall not exceed a total diversion
rate of 23 cfs and a total annual maximum diversion volume of
4031.3 af at the field headgate.
This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
field headgate for irrigation of the lands herein.

PRIORITY DATE: 05/26/1966

POINT OF DIVERSION:	T01N R13E S17	SWSWSW Within Camas County
	S18	SESESE
	S20	NENESE
	S21	SWNWNW
		NWSESW (Injection)
	S28	NWNWNW (Rediversion)
	S29	SENESE (Rediversion)
		SESESW
		SENE (Rediversion)
	S32	NWNENE (Rediversion)
		NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	5.48 CFS

PLACE OF USE:	Irrigation	Within Camas County	
	T01N R13E S20	SWNE 2.3 NWNW 14.0 NESW 17.0 NESE 30.0 SWSE 34.0 S21 SWNW 12.0 NESW 14.0 SWSW 39.0 S28 NWNW 19.0 S29 NENE 39.0 SWNE 40.0	NENW 12.0 SENE 30.0 SESW 3.5 NWSE 35.0 SESE 40.0 SENE 6.6 NWSW 20.0 SESW 4.8 NEWW 12.0 NWNE 39.0 SENE 20.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NENW 0.7	SENW 25.0
	NESW 40.0	NWSW 4.1
	SWSW 27.0	SESW 40.0
	NESE 21.0	NWSE 40.0
	SWSE 40.0	SESE 9.8
S31	NENE 2.5	SENE 7.1
S32	NWNE 34.0	NENW 40.0
	NWNW 38.0	SWNW 40.0
	SENW 21.0	

913.4 Acres Total

This right is limited to the irrigation of 519.6 acres within the authorized place of use in a single irrigation season.

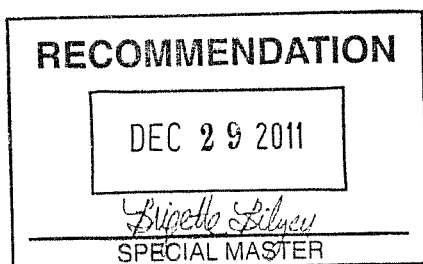
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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

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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): 37-02736A
37-13270A

On December 29, 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 December 29, 2011.


JANET CONNELL
Deputy Clerk

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CERTIFICATE OF MAILING

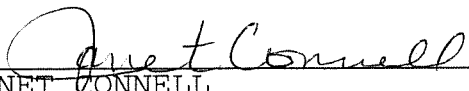
Water Right(s) : 37-02736A
37-13270A

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 December 29, 2011, with sufficient first-class postage prepaid to the following:

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

SMOKEY DOME LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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