

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 NO.: 37-2139A

I. FINDINGS OF FACT

A 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.

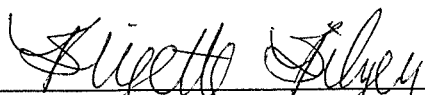
An Objection was filed by Danny and Valerie Van Horn on May 16, 2007. The *Objection* was resolved on August 6, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

Subsequently, a *Notice of Completed Administrative Proceeding* was filed on June 29, 2011 changing ownership to Smokey Dome LLC. An *Amended Standard Form 5* was filed on November 14, 2011. All parties to the subcase and IDWR are signatories to the *Amended Standard Form 5*.

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: December 29, 2011.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
)
) Water Right 37-02139A

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

SOURCE: GARDEN SPRING TRIBUTARY: WEST FORK CORRAL CREEK
 WEST FORK CORRAL CREEK TRIBUTARY: CORRAL CREEK

QUANTITY: 0.51 CFS

PRIORITY DATE: 06/07/1909

POINT OF DIVERSION: T01N R13E S17 SWSWS Within Camas County
 S18 NESESE
 SESESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.51 CFS

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

The rights listed below are limited to the irrigation of a combined total of 913.4 acres in a single irrigation season. Combined Right Nos.: 37-35A, 37-454A, 37-463C, 37-728A, 37-2139A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, and 37-13271A.

This right is limited to the irrigation of 25.7 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 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

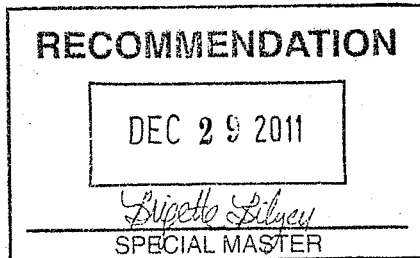
OTHER PROVISIONS (continued)

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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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

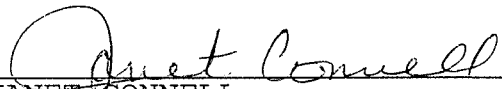
Water Right(s): 37-02139A

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): 37-02139A

CERTIFICATE OF MAILING

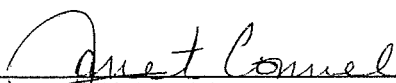
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 29, 2011, with sufficient first-class postage prepaid to the following:

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

DANNY & VALERIE VAN HORN
Represented by:
JOHN E. ROBERTSON
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-933-0700

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 12/29/11
Deputy Clerk