

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.: 37-35A

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.

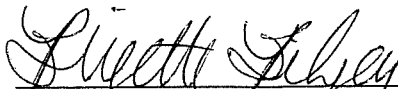
An Objection was filed by Danny and Valerie Van Horn on May 16, 2007. The *Objection* was resolved on August 6, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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Deputy Clerk

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO

I.R.C.P. 54(b) FOR

Water Right 37-00035A

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

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

QUANTITY: 0.95 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION: T01N R13E S17 SWSWSW Within Camas County
S18 SESESE
S20 NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.95 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 NENW 12.0 S29 NENE 39.0 SWNE 40.0 NENW 0.7 NESW 40.0 SWSW 27.0 NESE 21.0 SWSE 40.0 S31 NENE 2.5 S32 NWNE 34.0 NWNW 38.0 SENE 21.0	NENW 12.0 SENE 30.0 SESW 3.5 NWSE 35.0 SESE 40.0 SENE 6.6 NWSW 20.0 SESW 4.8 NWNW 19.0 NWNE 39.0 SENE 20.0 SENE 25.0 NWSW 4.1 SESW 40.0 NWSE 40.0 SESE 9.8 SENE 7.1 NENW 40.0 S20 SENW 40.0
	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 47.6 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

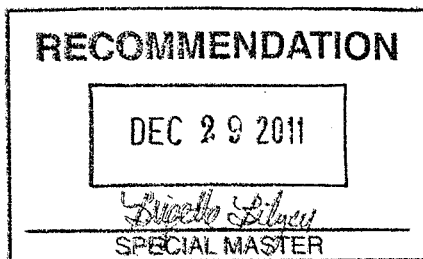
OTHER PROVISIONS (continued)

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

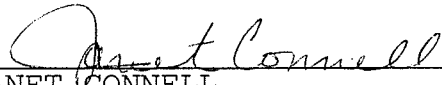
Water Right(s): 37-00035A

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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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-00035A

CERTIFICATE OF MAILING

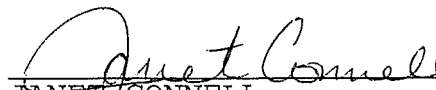
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 29, 2011, with sufficient first-class postage prepaid to the following:

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


JANET CONNELL
Deputy Clerk
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12/29/11