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JAN 20 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 19 2012	
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
	)	
	)	FOR WATER RIGHTS: 37-2177 and 37-
	)	22663

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-2177 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 water right 37-2177.

Objections were filed by Lake Creek Meadows Homeowners Association, Inc. and the USDA Forest Service. An *Amended Director's Report* was filed on August 31, 2011. The *Amended Director's Report* recommended licensed right 37-2177 be disallowed, and wholly recommended as beneficial use right 37-22663. A *Standard Form 5* was filed on January 5, 2012. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

A. Digital Boundary

The place of use for this right is a digital boundary and is illustrated by the map overlay attached to the *Recommendation for Partial Decree*. The digital boundary for the place of use is described on a CD-Rom filed with the court.

II. CONCLUSIONS OF LAW

Based on the file and record herein, **IT IS RECOMMENDED** that water right 37-2177 **not be confirmed** in any partial or final decree. **IT IS FURTHER RECOMMENDED** that water right 37-22663 be **decreed** with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: January 19, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 19 2012	
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 37-22663

NAME AND ADDRESS: LAKE CREEK MEADOWS HOMEOWNERS
ASSN INC
PO BOX 3144
KETCHUM, ID 83340

SOURCE: LAKE CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.10 CFS

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Right Nos. 37-22663 and 37-2418 are limited to a total combined annual diversion volume of 180.0 AF.
Pursuant to a call in times of scarcity, water may continue to be diverted from Lake Creek under water right nos. 37-2418 and 37-22663 provided that the average daily outflow from the pond located in T05N, R17E, S36, NWNE is not less than the sum of (a) 25% of the total quantity of water diverted under right no. 37-22663, and (b) the total quantity of water diverted under right no. 37-2418 less 0.16 cfs.

PRIORLTY DATE: 05/01/1892

POINT OF DIVERSION: T05N R17E S25 NESESE Within Blaine County
SWSSE
SESESE
S36 NWNENE
NENWNE
R18E S20 NWNENW
S30 NWSWSW
NWSWSW (Injection)

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	1.10 CFS

PLACE OF USE:

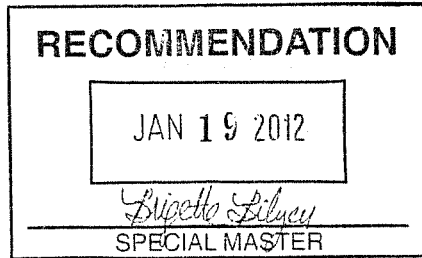
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the area served by Lake Creek Meadows Homeowners Association, Inc., and is limited to the irrigation of 55 acres within a single irrigation season. A portion of the Lake Creek Meadows Subdivision is also known as Homestead Entry Survey No. 320. Place of use does not include federal public lands.

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

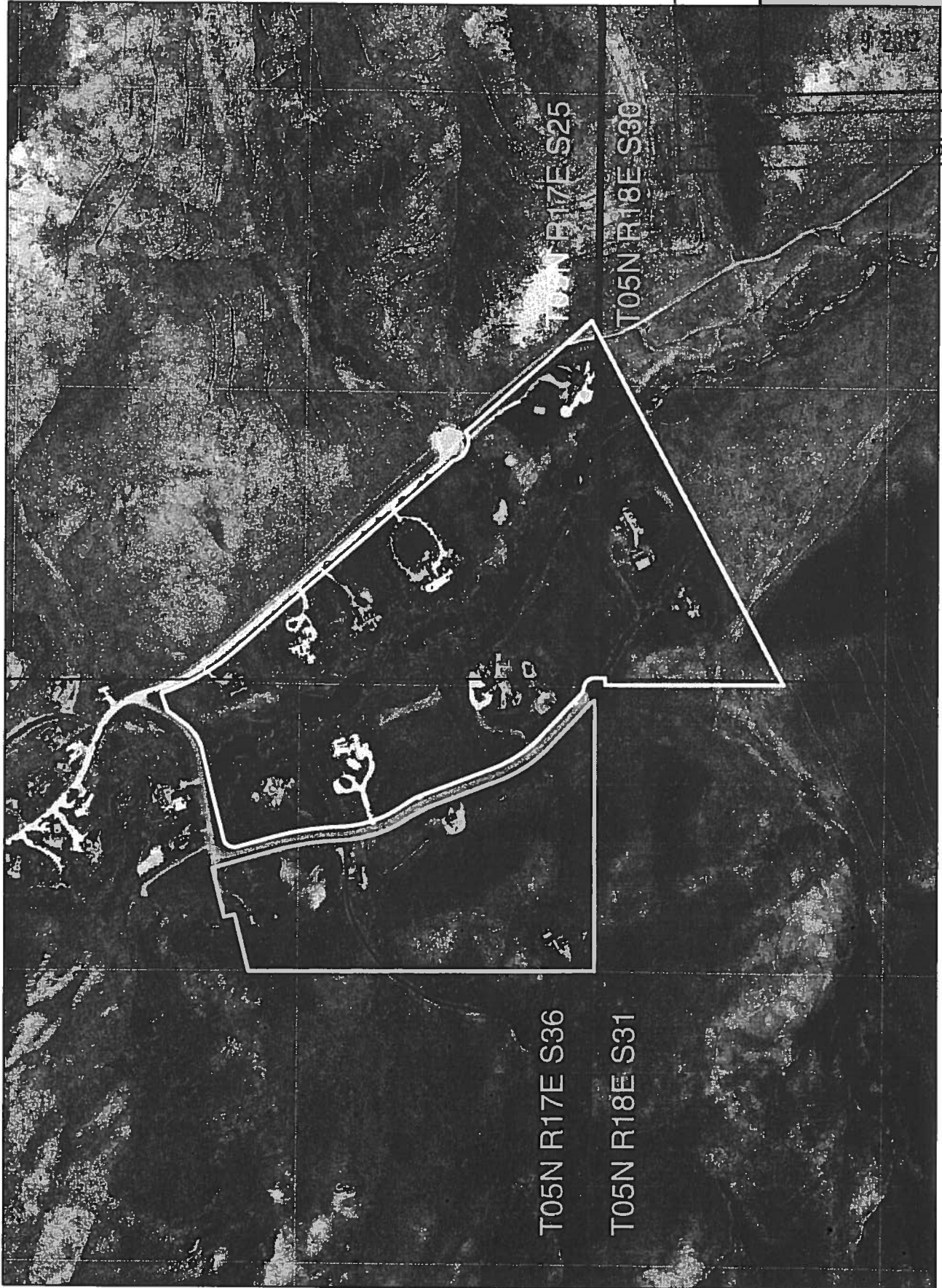
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

37-22663 Service Area

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



Clerk
Deputy Clerk



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Fifth Judicial District
County of Twin Falls - State of Idaho

SEP - 9 2011

By _____
Clerk _____
Deputy Clerk _____

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-02177
37-22663

On January 19, 2012, 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 January 19, 2012.



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) : 37-02177
37-22663

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 January 19, 2012, with sufficient first-class postage prepaid to the following:

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

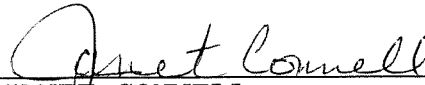
LAKE CREEK MEADOWS HOMEOWNERS

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

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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JANET CONNELL 01/19/12
Deputy Clerk