

DEPARTMENT OF
WATER RESOURCES

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

JAN 24 2012

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

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

**SPECIAL MASTER’S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**FOR WATER RIGHTS: 37-2571,
37-22546 AND 37-22547**

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-2571 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.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-2571 into assigned split right numbers 37-22546 and 37-22547. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 37-2571 to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-2571 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-22546 and 37-22547 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

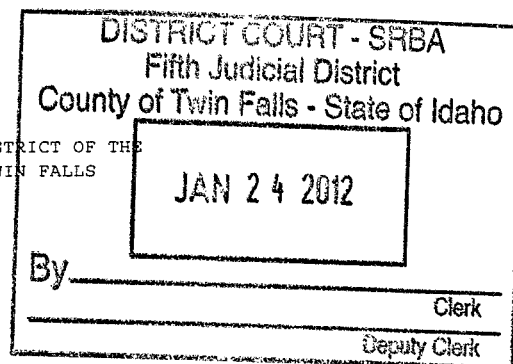
DATED: January 24, 2012.

Brigitte Bilyeu
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-22546



RECEIVED

JAN 25 2012

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY, UT 84110

SOURCE: GROUND WATER

QUANTITY: 1.20 CFS
105.00 AFY

Right Nos. 37-22546 and 37-22547 are limited to a total combined
diversion rate of 2.4 cfs and to a total combined annual
diversion volume of 227.5 AF.

PRIORITY DATE: 04/15/1922

POINT OF DIVERSION: T01N R18E S01 NWSWN Within Blaine County
SENWSW

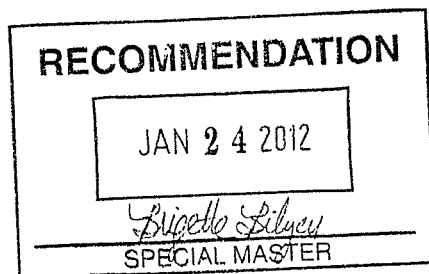
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.20 CFS 105.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R18E S01	SWNW 23.0 SWSW 10.0
	65.0 Acres Total	

This right is limited to the irrigation of 30 acres within the
place of use described above in a single irrigation season.
Right Nos. 37-22546 and 37-22547 are limited to the irrigation
of a combined total of 65 acres in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 65 acres in a single irrigation season.
Combined Right Nos.: 37-577A, 37-158A, 37-22546, 37-22547.

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).



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

JAN 24 2012

By _____ Clerk
 _____ Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____)
 Water Right 37-22547

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
 PO BOX 3028
 SALT LAKE CITY, UT 84110

SOURCE: GROUND WATER

QUANTITY: 1.40 CFS
 122.50 AFY

Right Nos. 37-22546 and 37-22547 are limited to a total combined diversion rate of 2.4 cfs and to a total combined annual diversion volume of 227.5 AF.

PRIORITY DATE: 06/15/1955

POINT OF DIVERSION: T01N R18E S01 NWSWNW Within Blaine County
 SENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	1.40 CFS
			122.50 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R18E S01	SWNW 23.0 SWSW 10.0
		NWSW 32.0
	65.0 Acres Total	

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season. Right Nos. 37-22546 and 37-22547 are limited to the irrigation of a combined total of 65 acres in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 65 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, 37-22546, 37-22547.

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).

RECOMMENDATION

JAN 24 2012

Digetto Silvey

 SPECIAL MASTER

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

JAN 24 2012

By _____ Clerk

Deputy Clerk

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s): 37-02571
37-22546 37-22547

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RECEIVED
JAN 25 2012
DEPARTMENT OF
WATER RESOURCES

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County of Twin Falls - State of Idaho	
JAN 24 2012	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-02571
37-22546 37-22547

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 24, 2012, with sufficient first-class postage prepaid to the following:

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

ECCLES WINDOW ROCK RANCH LLC
Represented by:
JOHN E. ROBERTSON
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-933-0700


JANET CONNELL
Deputy Clerk