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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 31 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

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW
)
)
)

) WATER RIGHT NO.: 22-13989
)

I. FINDINGS OF FACT

A notice of 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 for Late Claims* contained a recommendation for the elements of this water right.

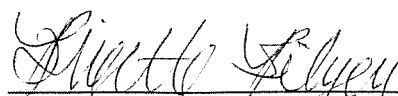
An *Objection* was filed by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (hereafter LDS Church) on August 10, 2011.

An Initial Hearing was held on January 25, 2012. The LDS Church made an oral *Motion to Withdraw Objection* as to the diversion rate. The parties agreed on the record to the change in address. There was no opposition to the *Motion*. There are no outstanding *Objections* remaining in this subcase. This water right will be recommended consistent with the *Director's Report* with the correction to the address.

II. CONCLUSIONS OF LAW

Therefore, 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: January 31, 2012.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

JAN 31 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 22-13989

NAME AND ADDRESS: CORPORATION of the Presiding Bishop of the
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
ATTN: FARMLAND RESERVE, INC
139 E SOUTH TEMPLE ST STE 600
SALT LAKE CITY, UT 84111

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.60 CFS

The quantity of water diverted under this water right shall be
from the portion awarded to Wyoming and deducted therefrom as
set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D.
Wy. Feb. 4, 1941).

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T05N R46E S08 LOT 3 (NWSE) Within Teton County

The point of diversion for this water right is in Wyoming, T44N,
R118W, Sec. 23 SESW, 6PM. The point of diversion shown above is
where the conveyance system enters Idaho.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R46E S08 LOT 2 (SWNE) 9.0	SWNW 12.0
	SENW 10.0	NESW 17.0
	NWSW 17.0	LOT 3 (NWSE) 15.0
	80.0 Acres Total	

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

This water right is subject to the delivery provisions contained
in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4,
1941) ("Roxana decree"). Nothing in this Partial Decree is
intended to relieve or alter the state of Idaho nor the state of
Wyoming from their obligations contained in the Roxana decree.

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 31 2012

Diagetto Delaney
SPECIAL MASTER

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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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

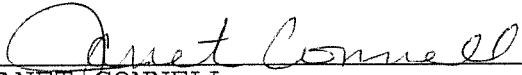
Water Right(s): 22-13989

On January 31, 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 31, 2012.


JANET CONNELL
Deputy Clerk

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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 22-13989

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 31, 2012, with sufficient first-class postage prepaid to the following:

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

CORP OF THE PRESIDING BISHOP

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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01/31/12