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FEB 07 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 03 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: 37-296B, 37-
	)	296C, AND 37-19740

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights 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 recommendations for the elements of these water rights.

Objections were filed by Indian Creek Ranch Owners Association, Inc. on November 14, 2007. An *Amended Director's Report* was filed on September 30, 2010 for each water right. *Objections* were filed by Dana Hofstetter, Indian Creek Ranch Owners Association Inc., and the City of Hailey. The *Objections* were resolved on February 1, 2012 with the filing of a *Standard Form 5* for each right. All parties to the subcases and IDWR are signatories to each *Standard Form 5*.

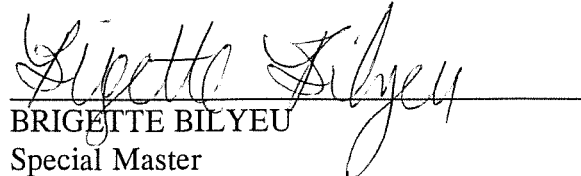
A. Digital Boundary

The place of use for these rights 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

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: February 3, 2012.


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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00296B

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

FEB 03 2012

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: INDIAN CREEK RANCH OWNERS
ASSN INC
PO BOX 3411
HAILEY, ID 83333-3411

SOURCE: INDIAN CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.72 CFS
122.50 AFY

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation.
The total instantaneous diversion of water from all points of diversion shall not exceed 2.72 cfs, nor total combined annual diversion volume of 122.5 af.
Right Nos. 37-296B and 37-296C are limited to a total combined diversion rate of 4.01 cfs.

PRIORITY DATE: 04/01/1880

Pursuant to a call in times of scarcity, rights 37-296B and 37-296C are junior to Water Right No. 37-296A.

POINT OF DIVERSION: T03N R18E S22 SWSE Within Blaine County
S23 SWSE
NWSW
NWSW
S27 NENW
S28 NESE
NESE
S33 NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.72 CFS 122.50 AFY

PLACE OF USE:

Place of use is within the service area of the Indian Creek Ranch Owners Association as provided for under Idaho law, and is limited to the irrigation of 35 acres within the service area. The service area includes Lot 67 of Indian Creek Ranch Subdivision.

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.

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

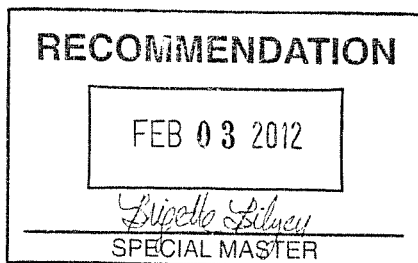
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



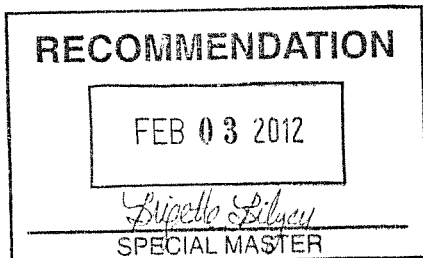
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

PAGE 1
Feb-02-2012

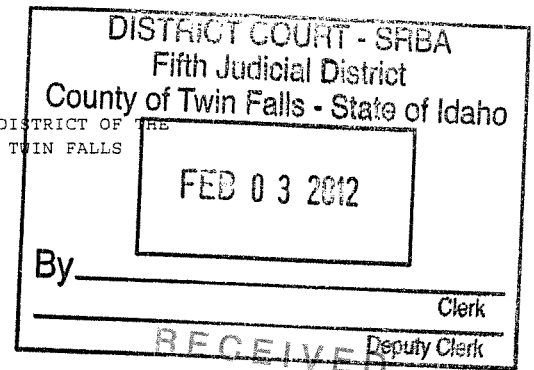
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-19740

NAME AND ADDRESS: INDIAN CREEK RANCH OWNERS
ASSN INC
PO BOX 3411
HAILEY, ID 83333-3411

SOURCE: INDIAN CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 367.50 AFY

The capacity of the storage reservoir is 22.5 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.
The reservoir is filled by Water Right Nos. 37-296B, 37-296C and other water accruing to Indian Creek and the reservoir below the point of diversion for Water Right No. 37-296A.

PRIORITY DATE: 06/01/1931

POINT OF DIVERSION: T03N R18E S22 SWSE (Injection) Within Blaine County
S27 SWSE (Rediversion)
SENW (Rediversion)
S28 NESE (Rediversion)
NESE (Rediversion)
SWSE (Rediversion)
S33 NWNE (Rediversion)
NWNE (Rediversion)
SENW (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage		01-01 TO 12-31	22.50 AFY
Irrigation from Storage		04-15 TO 10-31	367.50 AFY
Stockwater Storage		01-01 TO 12-31	18.00 AFY
Stockwater from Storage		01-01 TO 12-31	18.00 AFY

PLACE OF USE:
Place of use is within the service area of the Indian Creek Ranch Owners Association as provided for under Idaho law. The irrigation use is currently limited to the irrigation of 105 acres within the service area.
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.
The service area includes Lot 67 of Indian Creek Ranch Subdivision.

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

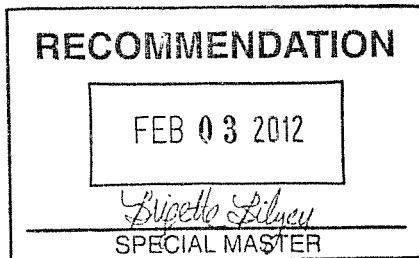
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

Indian Creek Ranch Owners Association Digital Boundary
for 37-296B, 37-296C and 37-19740

DISTRICT COURT - SRBA

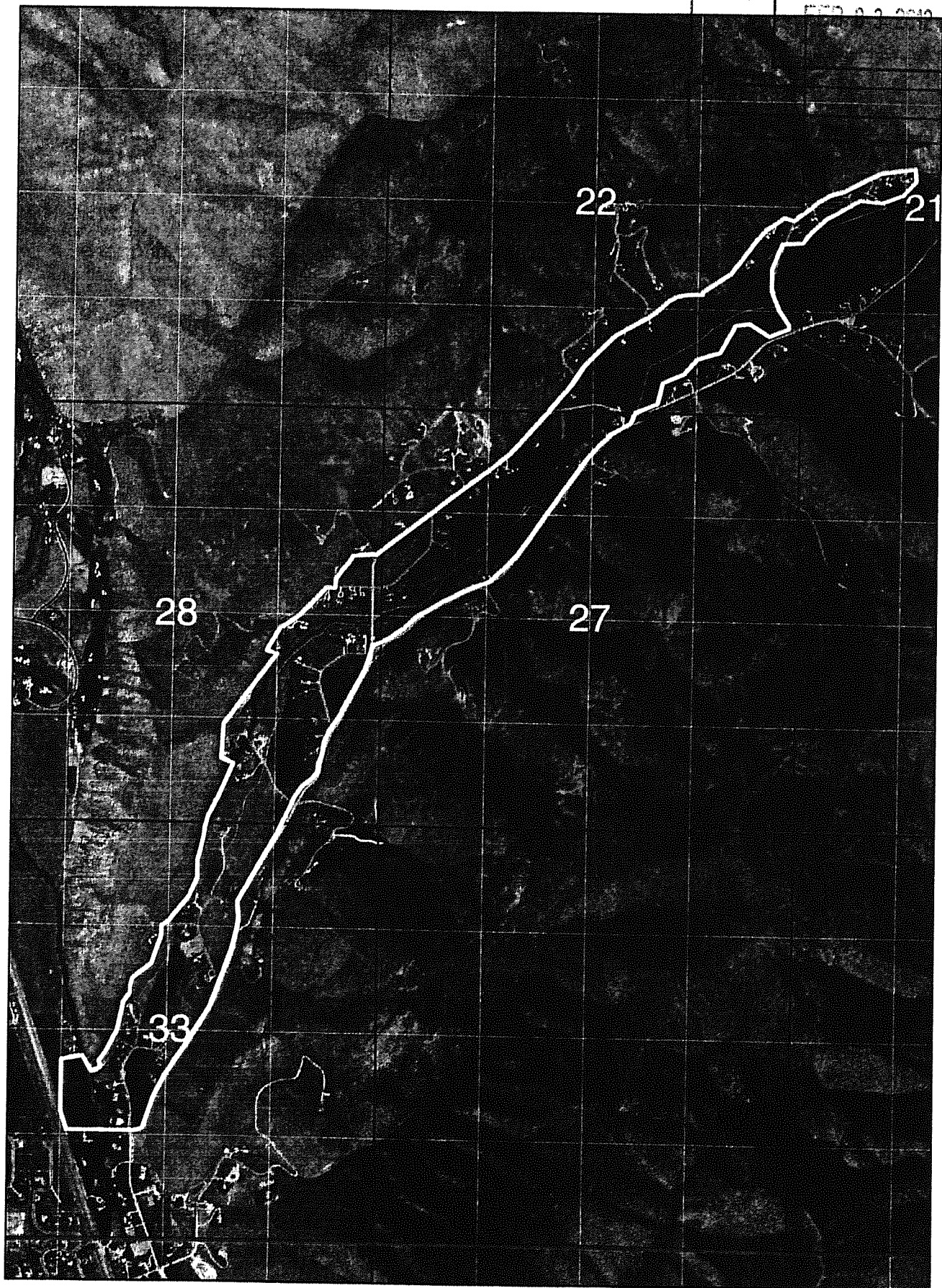
Fifth Judicial District

County of Blaine, State of Idaho

FILED 2-2-2010

Clerk

Deputy Clerk



T03N R18E

2004 NAIP Photograph

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WATER RESOURCES

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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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

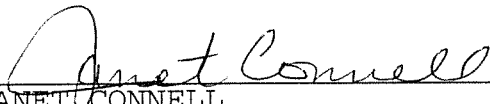
Water Right(s): 37-00296B
37-00296C 37-19740

On February 03, 2012, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 February 03, 2012.



JANET CONNELL
Deputy Clerk

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

CERTIFICATE OF MAILING

Water Right(s): 37-00296B
37-00296C 37-19740

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 February 03, 2012, with sufficient first-class postage prepaid to the following:

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

DANA L HOFSTETTER
VICTOR U & DANA L HOFSTETTER
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CITY OF HAILEY
Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1
02/03/12

INDIAN CREEK RANCH OWNERS

Represented by:

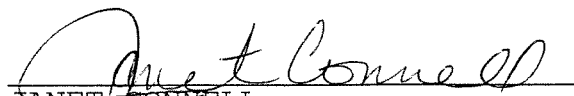
RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101


JANET CONNELL
Deputy Clerk