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FEB 17 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 16 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
_____	)	FOR WATER RIGHT: 37-19740

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* contained a recommendation for the elements of this water right.

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. *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*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

A *Special Master's Report and Recommendation* was filed on February 3, 2012. An *Amended Standard Form 5* was filed on February 14, 2012. All parties to the subcase and IDWR are signatories to the *Amended Standard Form 5*. The *Amended Standard Form 5* was filed, in part, to accommodate the resolution of related subcase 37-21412. The change in the *Amended Standard Form 5* for this right added recreation storage as a purpose of use.

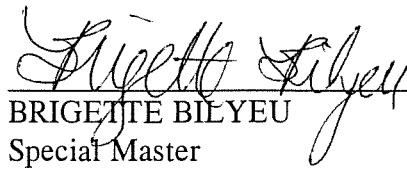
A. Digital Boundary

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.

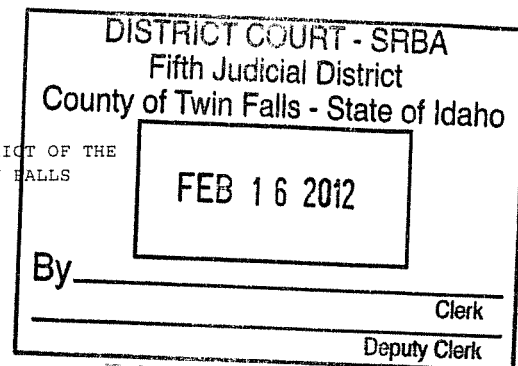
II. CONCLUSIONS OF LAW

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: February 16, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
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 NENW (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
	Recreation Storage	01-01 TO 12-31	22.50 AFY

PLACE OF USE: Recreation Storage Within Blaine County
T03N R18E S22 SESW SWSE

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:

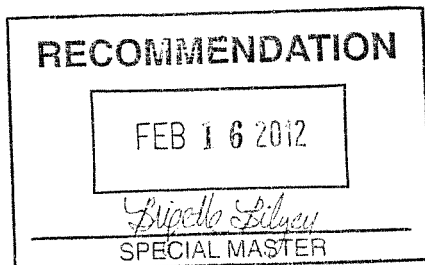
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

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

DISTRICT COURT - SRBA

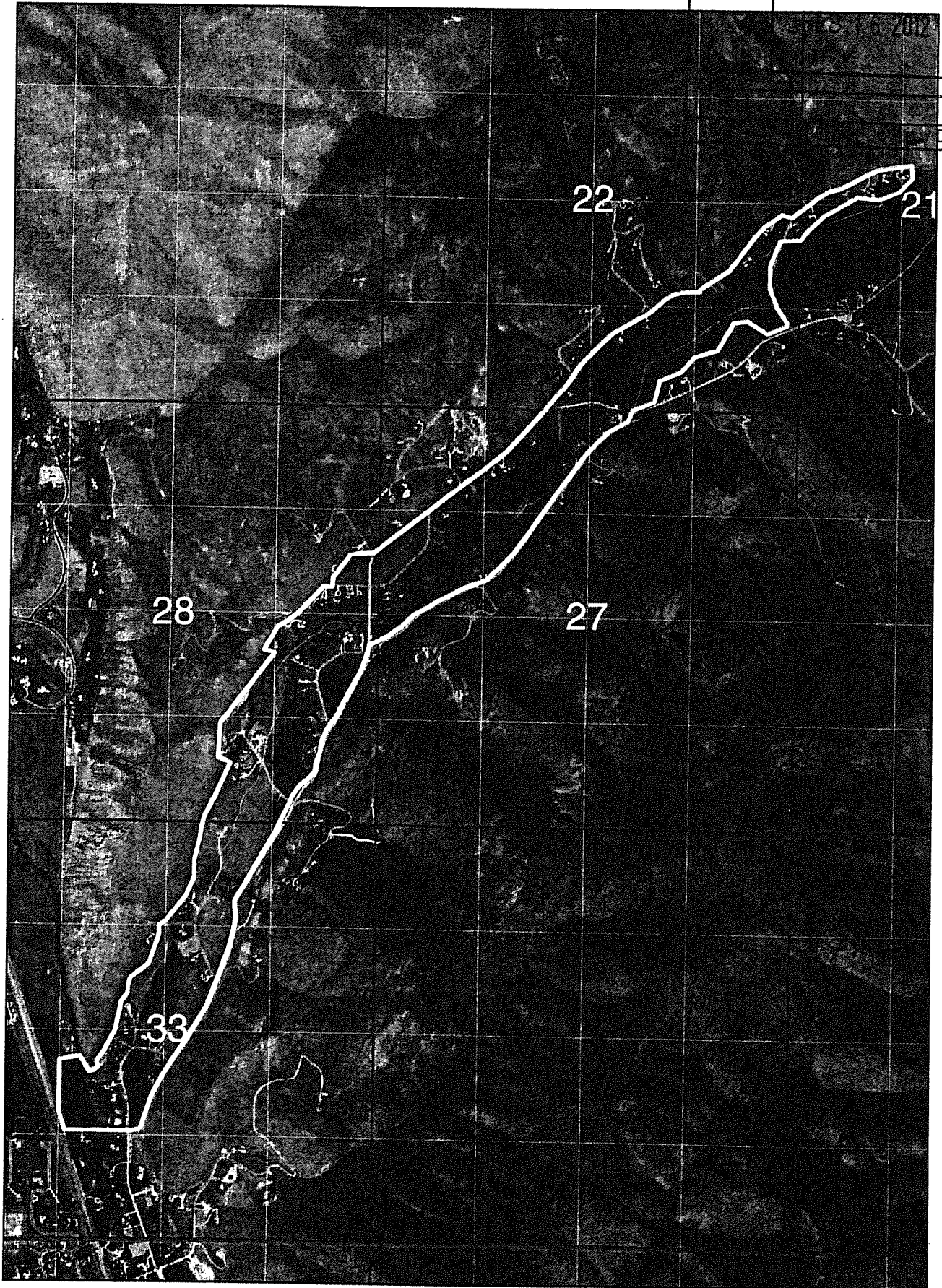
Fifth Judicial District

County of Twin Falls - State of Idaho

7-13-2012

Clerk

Deputy Clerk



T03N R18E
2004 NAIP Photography

0 0.125 0.25 0.5 0.75 1

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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 *AMENDED*
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-19740

On February 16, 2012, Special Master BRIGETTE BILYEU
issued a *AMENDED* 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 February 16, 2012.



JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-19740

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ^{AMENDED} 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 16, 2012, with sufficient first-class postage prepaid to
the following:

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

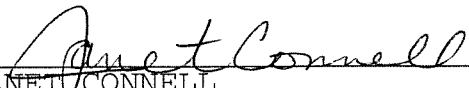
DANA L HOFSTETTER
VICTOR U & DANA L HOFSTETTER
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

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

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02/16/12

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