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MAR 13 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 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: 00-92037G3

I. FINDINGS OF FACT

The Idaho Department of Water Resources filed its *Director's Report for Basin 37, Part 3, for Irrigation and Other Rights* on February 21, 2007. The *Director's Report* included a recommendation for a *General Provision* on connected sources.

Objections and *Notices of Intent to Participate* were timely filed. All issues regarding whether water rights would be treated as separate or connected were bifurcated from individual subcases and consolidated in 00-92037G3. Settlement Conferences were held, and the *Objections* were eventually resolved in three parts. A *Stipulation to Partially Resolve Basin 37, Part 3 General Provision Objection* (Little Wood) was filed January 27, 2011. A *Stipulation to Partially Resolve Basin 37, Part 3 General Provision Objection* (Big Wood) was filed April 11, 2011. Finally, settlement of water rights on Lake Creek were resolved by SF5s filed in individual subcases 37-2177, 37-2418, and 37-22663. Counsel for Lake Creek Meadows Homeowners Association withdrew *Objections* at a Pretrial Conference on December

21, 2011.

A *Special Master's Report and Recommendation* was issued on January 19, 2012. A *Motion to Alter or Amend* was filed on February 28, 2012 by Jerry and Janice Cenarrusa, C.E. Molyneux, Fish Creek Reservoir Company, Inc., James L. Eldredge, the Estate of Mary Eldredge, and Telfer, Inc. The *Motion* stated that water right 37-4393 was inadvertently omitted from the "Fish Creek and Tributaries" list on Exhibit A. *Stipulation to Partially Resolve Basin 37 Part 3 General Provision Objection (Little Wood River)* (Jan. 27, 2011) shows that Exhibit 1 signed and initialed by Dana Hofstetter, and a January 27, 2011 letter from IDWR request that subcase 37-4393 be added to the "Fish Creek and Tributaries" list. IDWR and the parties concurred on the record on January 19, 2011 with adding 37-4393 to the list. Therefore, this *Amended Special Master's Report and Recommendation* adds 37-4393 to the list and makes no other changes.

II. CONCLUSIONS OF LAW

The Basin 37 Part 3 General Provisions should be **decreed** as set forth in the *Stipulations* for both the Big Wood and Little Wood Rivers as set forth in attached Exhibit A.

DATED: March 12, 2012.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

Exhibit A

BASIN 37, PART 3 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 37.

1. The following water rights from the following sources of water in Basin 37 shall be administered separately from all other water rights in Basin 37 in accordance with the prior appropriation doctrine as established by Idaho law:

See Attachment 1

2. The following water rights from the following sources of water in Basin 37 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

WATER RIGHT NO.

SOURCE

None

None

3. Except as otherwise specified above, all other water rights within Basin 37 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

Exhibit 1

Priority Date Water Right No.

6/1/1883	37-139
9/1/1885	37-153A
9/1/1885	37-153B
9/1/1885	37-153C
9/1/1885	37-153D
6/1/1881	37-180
5/15/1883	37-181
6/1/1880	37-208A
6/1/1880	37-208B
6/1/1880	37-208C
6/1/1880	37-208D
6/1/1880	37-208F
6/1/1880	37-208G
5/15/1883	37-231A
5/15/1888	37-233
4/1/1880	37-296A
4/1/1880	37-296B
4/1/1880	37-296C
6/30/1888	37-305
3/24/1883	37-310A
6/1/1881	37-449B
4/1/1880	37-466
6/1/1880	37-548
6/30/1882	37-549
5/15/1881	37-653
7/1/1888	37-655A
7/1/1888	37-655B
8/1/1907	37-717
10/6/1902	37-863E
10/6/1902	37-863F
6/30/1888	37-1153A
6/30/1888	37-1153B
6/30/1888	37-1154
5/1/1884	37-1187
6/1/1881	37-1207
4/1/1884	37-1216
6/9/1911	37-1222
6/24/1909	37-2142
5/27/1919	37-2386
5/27/1919	37-2386B
5/27/1919	37-2386C
12/31/1948	37-4138
12/31/1926	37-4139
4/15/1939	37-11390
8/23/1957	37-12396
6/1/1931	37-19740
3/24/1883	37-19831
5/15/1881	37-21476
5/15/1881	37-21477
4/15/1911	37-21478
6/1/1881	37-21575
6/1/1881	37-21576
6/1/1883	37-22065

Priority Date Water Right No.

6/1/1883	37-22066
6/1/1883	37-22067
6/1/1883	37-22068
6/1/1883	37-22069
6/1/1883	37-22070

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Little Wood River and Tributaries

<u>Priority Date</u>	<u>Water Right No.</u>	<u>Priority Date</u>	<u>Water Right No.</u>
12/1/1881	37-21466	4/15/1901	37-398
5/15/1883	37-263B	10/15/1902	37-399
5/15/1883	37-263C	8/28/1904	37-2007
5/15/1883	37-263D	7/1/1905	37-400
5/15/1883	37-263E	1/17/1906	37-2031
4/1/1884	37-99	9/19/1907	37-2087
4/1/1884	37-1048A	11/15/1907	37-2092
4/7/1884	37-1141	12/29/1908	37-2123
4/15/1884	37-15B	5/1/1910	37-1136
4/15/1884	37-15D	5/1/1910	37-1143
6/30/1884	37-390	5/15/1910	37-1142
12/31/1884	37-565	12/2/1911	37-1140
4/1/1885	37-391	12/2/1911	37-11269
4/1/1885	37-1046A	4/1/1912	37-21383
4/1/1885	37-1046B	4/4/1912	37-2234
4/1/1885	37-1046C	8/22/1912	37-2247
5/20/1885	37-392	1/22/1913	37-1120
6/15/1885	37-393	2/13/1913	37-2260A
4/1/1886	37-394	2/13/1913	37-2260B
4/1/1886	37-1005	8/12/1914	37-2294
4/1/1887	37-1217	12/31/1915	37-4116
4/1/1888	37-1051	6/1/1919	37-1139
5/12/1888	37-401	1/23/1926	37-21746
6/1/1888	37-395	12/31/1926	37-4392
4/15/1893	37-421	12/31/1926	37-4393
4/15/1896	37-396	12/31/1926	37-4394
5/31/1897	37-53	2/16/1927	37-22015
6/1/1897	37-397	9/3/1935	37-2773
6/1/1897	37-1218	11/21/1938	37-2774
8/7/1897	37-1219	5/1/1947	37-1132
5/31/1898	37-54A	2/11/1954	37-2779
9/2/1899	37-422		

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Fish Creek and Tributaries

<u>Priority Date</u>	<u>Water Right No.</u>	<u>Priority Date</u>	<u>Water Right No.</u>
3/30/1883	37-733	8/18/1905	37-740
3/30/1883	37-735	8/18/1905	37-748
3/30/1883	37-737A	8/18/1905	37-773
3/30/1883	37-737B	8/18/1905	37-774A
3/30/1883	37-738	8/18/1905	37-774B
3/30/1883	37-749C	8/18/1905	37-775
3/30/1883	37-752	8/18/1905	37-776
3/30/1883	37-756	8/18/1905	37-12022
3/30/1883	37-769	8/18/1905	37-21218
3/30/1883	37-769A	8/18/1905	37-21219
3/30/1883	37-770C	9/15/1905	37-744B
3/30/1883	37-772A	9/15/1905	37-21636
3/30/1883	37-780A	9/15/1905	37-21637
3/30/1883	37-780B	5/15/1906	37-741
3/30/1883	37-781A	6/15/1906	37-750
3/30/1883	37-781B	5/1/1907	37-751
3/30/1883	37-10675	6/15/1907	37-778
6/1/1884	37-758	7/25/1907	37-1178
6/1/1884	37-759	1/31/1908	37-788
6/1/1884	37-1214	5/8/1908	37-787
6/1/1885	37-760	5/15/1908	37-754
6/1/1885	37-761A	6/1/1908	37-747
6/1/1885	37-761B	1/16/1909	37-743A
6/1/1885	37-1215	1/16/1909	37-743B
6/1/1887	37-763	1/16/1909	37-757
6/1/1890	37-764	1/16/1909	37-1179
6/1/1898	37-771	5/5/1909	37-745
6/30/1899	37-777	4/15/1910	37-734
6/1/1902	37-762	5/23/1910	37-736
4/30/1903	37-768A	6/10/1910	37-1181
5/15/1903	37-12023	11/13/1910	37-2195
4/30/1904	37-767	5/30/1911	37-746
5/15/1904	37-12021	6/1/1913	37-4392
5/18/1904	37-782	3/6/1916	37-22162
8/23/1904	37-786	11/2/1922	37-1162
4/10/1905	37-766	5/1/1923	37-1163
4/21/1905	37-779	4/15/1929	37-11455
8/18/1905	37-739	6/1/1948	37-10810
		11/6/1913	37-4393

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