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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 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	)	SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE WATER RIGHT NO.: 22-11639
	)	
Case No. 39576	)	
	)	
_____	)	

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.

A *Partial Decree* was issued for this right November 24, 2008. On February 18, 2009, Michael Reid filed a *Motion to Set Aside Partial Decree*. This subcase has proceeded with that procedural history. An *Order Granting Motion to Amend Claim* was issued February 11, 2011 based on representations from the parties on Paradise Springs that they were pursuing a settlement in line with historic practices. The *Order* allowed amended claims and related late claims to be filed. Many hearings were held, and the parties indicated that subcases, including this one, had been resolved, or were close to resolution. When a resolution was not forthcoming, the court issued an *Order to Show Cause*. The Court issued an *Order to Show Cause* explaining that *Master's Reports and Recommendations* would be issued according to the proposed *Standard Form 5* unless "good cause" was shown.

An *Order to Show Cause* hearing was held on December 7, 2011. The court then issued an *Order on Show Cause Hearing* and *Amended Order on Show Cause Hearing* which concluded

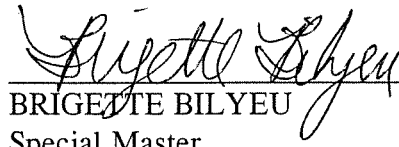
that the parties had agreed to accept the elements set forth in the attached *SF5* for this right, but to increase quantity to .59 cfs and retain the acreage originally decreed.

The Court notes that Michael Reid filed a document titled *Objection to Amended Director's Report* on March 12, 2012. The *Motion* is **denied** for two reasons. First, no *Amended Director's Report* was filed for this subcase. Second, no proposed late *Objection* was filed using the required *Objection* form. (Standard Form 1)

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted** and that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*.

DATED: March 16, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

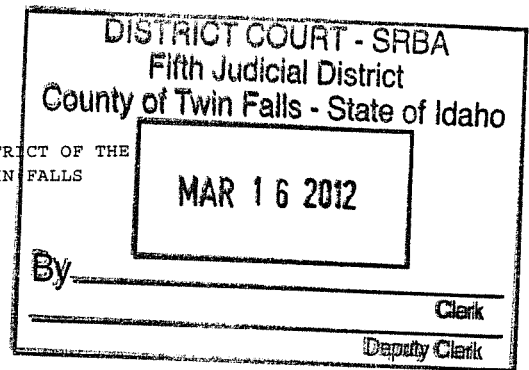
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-11639



NAME AND ADDRESS: JOY M REID
MICHAEL L REID
STEPHEN D REID
550 S 450 W
VICTOR, ID 83455

SOURCE: PARADISE SPRING TRIBUTARY: TETON RIVER

QUANTITY: 0.59 CFS

PRIORITY DATE: 07/21/1969

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-15 TO 10-31	0.59 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S30 SENW 35.6
35.6 Acres Total

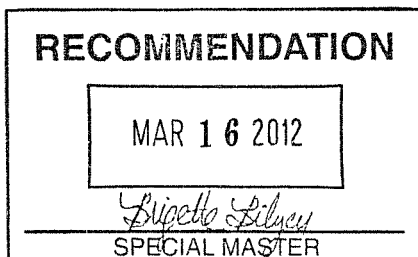
Right Nos. 22-11639 and 22-13212 are limited to the irrigation
of a combined total of 35.6 acres in a single irrigation season.

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).

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