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MAR 19 2012
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; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 37-81
	)	

I. FINDINGS OF FACT

A 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.

An *Objection* was filed by Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris, Big Wood Canal Company, (hereafter Concerned Water Users) and Lane Ranch Homeowners Association, Inc. The Concerned Water Users filed an *Amended Objection* on November 21, 2008. The *Objections* were resolved on March 9, 2012 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

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: March 16, 2012.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____) Water Right 37-00081

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: IDAHO FOUNDATION FOR PARKS &
 LANDS INC
 5657 WARM SPRINGS AVE
 BOISE, ID 83716-8700

LANE RANCH HOMEOWNERS ASSN INC
 C/O SUSAN MCBRYANT, MANAGER
 PO BOX 1675
 SUN VALLEY, ID 83353

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.00 CFS

Right nos. 37-2635, 37-00081 and 37-00082, when combined, shall not exceed a total flow rate of 0.71 cubic feet per second nor an annual volume of 69.9 acre feet for irrigation purposes. The amount of water under right nos. 37-81, 37-82 and 37-2635 to be discharged to the river as measured at a point below the pond in the SENE S30, T04N, R18E shall equal the amount approved for aesthetic, recreation and wildlife purposes, less a reasonable loss as determined by the director or watermaster. The total combined storage volume to be stored for wildlife, recreation and aesthetic uses under Rights 37-81, 37-82 and 37-2635 is 2.2 acre-feet. Water consumed under Transfer No. 3881 by diverting water for wildlife, aesthetic and recreation uses shall not exceed 3.3 acre feet from evaporation.

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:	T04N R18E S19	NESESE (Injection)	Within Blaine County
		SWSE	
	S30	SENESE (Rediversion)	
		SENESE (Injection)	
		NESESE (Rediversion)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.71 CFS
	Wildlife	04-15 TO 10-31	3.29 CFS
	Wildlife Storage	01-01 TO 12-31	2.20 AFY
	Recreation	04-15 TO 10-31	3.29 CFS
	Recreation Storage	01-01 TO 12-31	2.20 AFY
	Aesthetic	04-15 TO 10-31	3.29 CFS
	Aesthetic Storage	01-01 TO 12-31	2.20 AFY
	Diversion to Storage	04-15 TO 10-31	3.29 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T04N R18E S19	NESE 7.1	SWSE 4.5
		SESE 26.0	
	S20	NWSW 4.4	SWSW 5.6
	S29	NWNW 8.6	
	S30	NENE 26.0	
	82.2 Acres Total		
	Wildlife		Within Blaine County
	T04N R18E S19	NESE	SESE

PLACE OF USE (continued)

	S30	NENE	
Wildlife Storage			Within Blaine County
T04N R18E S19		SESE	
S30		SENE	
Recreation			Within Blaine County
T04N R18E S19		NESE	SESE
S30		NENE	
Recreation Storage			Within Blaine County
T04N R18E S19		SESE	
S30		SENE	
Aesthetic			Within Blaine County
T04N R18E S19		NESE	SESE
S30		NENE	
Aesthetic Storage			Within Blaine County
T04N R18E S19		SESE	
S30		SENE	

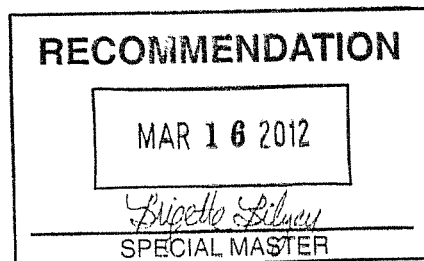
This right is limited to the irrigation of 23.3 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 23.3 acres in a single irrigation season. Combined Right Nos.: 37-81, 37-82, and 37-2635.

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

Prior to diversion of water, flow measuring devices as specified by the department &/or watermaster shall be installed by the right holder at the following locations: a) at the point where water is diverted from the Big Wood River and reddiverted from Elkhorn Creek and b) at a point on the downstream side of the bridge over Elkhorn Creek where water diverted under right nos. 37-81, 37-82, 37-2635, 37-4016 and 37-7201 flows out of the pond or wetland area subject of Transfer No. 3881 located in the NESENE S30 T04N, R18E.

Flows for recreation, wildlife and aesthetics uses are those which are diverted and used in man made amenities within the subdivision exclusive of the man altered Elkhorn Creek channel. Note that these waters are injected into Elkhorn Creek channel and conveyed for rediversion in man made recreation, wildlife and aesthetic amenities.

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

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By _____	Clerk
Deputy Clerk	

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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): 37-00081

On March 16, 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 March 16, 2012.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
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CERTIFICATE OF MAILING

Water Right(s): 37-00081

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 March 16, 2012, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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IDAHO FOUNDATION FOR PARKS &

Represented by:

CHARLES F MC DEVITT

420 W BANNOCK ST

PO BOX 2564

BOISE, ID 83701

Phone: 208-343-7500

BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

LANE RANCH HOMEOWNERS ASSN INC

Represented by:

JOHN E. ROBERTSON

PO BOX 1906

TWIN FALLS, ID 83303

Phone: 208-933-0700



JANET CONNELL
Deputy Clerk