

DEPARTMENT OF
WATER RESOURCES

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

APR 13 2012

By _____ Clerk
L DISTRICT OF THE _____ Deputy Clerk

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

Case No. 39576

**SPECIAL MASTER’S REPORT AND
RECOMMENDATION ON MOTION
TO SET ASIDE PARTIAL DECREE**

WATER RIGHT NO.: 22-163B

The SRBA District Court issued a *Partial Decree* for this water right on November 24, 2008. A *Motion to Set Aside Partial Decree* was filed by Siddoway Sheep Co. Inc. on July 11, 2011.

Presiding Judge Eric Wildman issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on July 11, 2011. Hearings on the *Motion to Set Aside Partial Decree* were held August 17, 2011, November 16, 2011, January 25, 2012, and March 21, 2012.

At the hearing on March 21, 2012, the claimant Siddoway Sheep Co. Inc. explained that an unusual omission resulted in an incorrect *Partial Decree*. Siddoway Sheep Co. inadvertently omitted filing an objection to the *Director's Report*. Siddoway Sheep Co. intended to object because elements of Transfer 3729 approved in 1990 were not incorporated in the *Director's Report*. The claim for this right was filed in 1988, and the transfer was filed in 1990. Unfortunately, no *NCAP* was filed to notify the Court of the transfer. Therefore, the *Director's Report* and *Partial Decree* contained inaccurate elements for this water right. The claimant is the only party to this subcase. However, the claimant and IDWR notified the only other entity known to be involved, Canyon Creek Lateral Ditch Association. The parties and IDWR understand that Canyon Creek Lateral Ditch Association agrees that this water right should be decreed with the elements established in the transfer. Therefore, the Court finds that there are no objections to this *Motion* which was brought under I.R.C.P. 60.

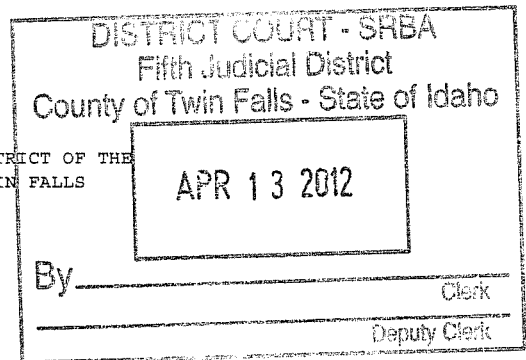
III. CONCLUSIONS AND RECOMMENDATIONS

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: April 13, 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 22-00163B

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APR 16 2012

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: SIDDOWAY SHEEP CO INC
C/O JEFF SIDDOWAY
1764 E 1200 N
PO BOX 3160
TERRETON, ID 83450

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 2.67 CFS

This right when combined with all other rights shall provide no
more than 3.5 afa per acre at the field headgate for irrigation
of the place of use.

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION: T07N R42E S30 SENE Within Madison County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.67 CFS

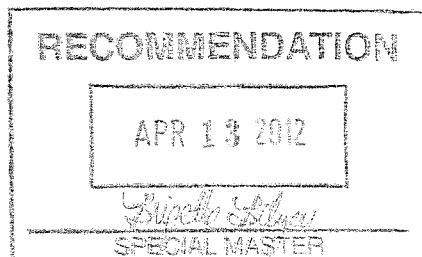
PLACE OF USE:	Irrigation	Within Fremont County
	T07N R41E S14	SWSW 40.0
	S15	SESW 24.0
		NESE 16.0
		SESE 40.0
	160.0 Acres Total	

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

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WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 13 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	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
	)	REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	
_____	)	Water Right (s): 22-163B

On March 16, 2012 Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE 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: April 13, 2012.



Janet Connell
Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE was mailed on April 13, 2012, with sufficient first-class postage to the following:

SIDDOWAY SHEEP CO INC
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

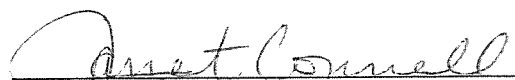
CC: Jerry Rigby

DISTRICT COURT - SBBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 13 2012	
By _____	Clerk
_____	Deputy Clerk

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APR 16 2012

DEPARTMENT OF
WATER RESOURCES


Deputy Clerk