

DEPARTMENT OF
WATER RESOURCES

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

APR 19 2012

By _____ Clerk
AL 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

In Re SRBA

Case No. 39576

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

WATER RIGHT NO.: 22-4046

I. PROCEDURAL BACKGROUND

The SRBA District Court issued a *Partial Decree* for this water right on January 5, 2007. A *Motion to Set Aside Partial Decree* was filed by Dale Daw on August 16, 2011.

Presiding Judge Eric J. Wildman issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on August 16, 2011. Hearings were held on the *Motion to Set Aside Partial Decree* on September 21, 2011, December 7, 2011, and April 18, 2012.

II. FINDINGS OF FACT

A *Motion to File Amended Notice of Claim* was filed by Dale Daw on January 30, 2012. An *Amended Director's Report* was filed on February 24, 2012. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

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 19, 2012.

Brigitte Bilyeu
BRIGITTE BILYEU
Senior Manager

Special Master
Snake River Basin Adjudication

APR 19 2012

AMENDED

Water Right 22-04046

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WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 19 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

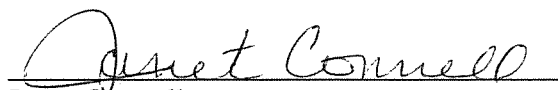
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
	)	REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	
_____	)	Water Right (s): 22-4046

On April 19, 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 19, 2012.


Janet Connell
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 19 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	)	CERTIFICATE OF MAILING
Case No. 39576	)	
	)	
	)	Water Right (s) : 22-4046
_____	)	

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 19, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, Idaho 83720-0098

Dale Daw
Represented by:
Jerry Rigby
25 N 2nd E
PO Box 250
Rexburg, Idaho 83440-0250


Janet Connell
Deputy Clerk