

DEPARTMENT OF
WATER RESOURCES

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

APR 19 2012

By _____
Clerk

Deputy Clerk

DISTRICT OF THE

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; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**WATER RIGHT NOS.: 22-7105,
22-13722, 22-13723, AND 22-13723A**

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-7105 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.

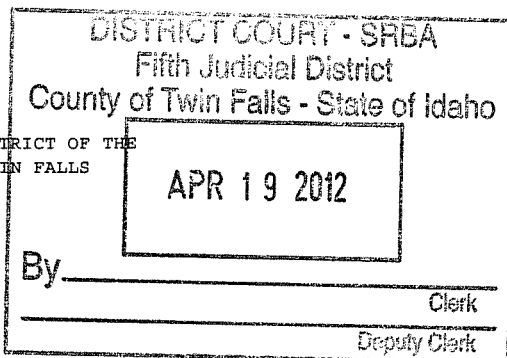
A *Notice of Completed Administrative Proceeding* was filed on June 5, 2007 which resulted in splitting the former parent right 22-7105 into assigned split right numbers 22-13722 and 22-13723. *Objections* were filed to 22-13722 and 22-13723 by Kerry Gee and BC Properties LLC. All *Objections* to these water right claims were resolved by stipulation of the parties with *Standard Forms 5* on April 10, 2012 which resulted in further splitting 22-13723 into 22-13723A. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-7105 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-13722, 22-13723, and 22-13723A be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: April 19, 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 22-13722

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APR 20 2012

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: JERALD GEE
KERRY GEE
2364 E HWY 33
SUGAR CITY, ID 83448

SOURCE: GROUND WATER

QUANTITY: 1.60 CFS
526.00 AFY

PRIORITY DATE: 10/10/1974

POINT OF DIVERSION: T05N R45E S05 NESESE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.60 CFS 526.00 AFY

PLACE OF USE:	Irrigation	Within Teton County
	T05N R45E S05	SESW 37.0 NESE 32.0 NWSE 40.0 SESE 34.0
	179.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 179 acres in a single irrigation season. Combined Right Nos.: 22-568B & 22-13722. This right is limited to the irrigation of 175.5 acres within the place of use described above in a single irrigation season.

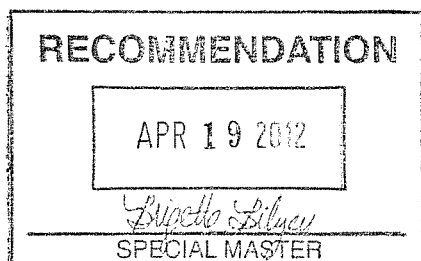
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to a private agreement entered into between Kerry Gee & Kathleen Gee and Wells Fargo Bank, NA dated March 30, 2012 and recorded as Instrument No. 221561 in Teton County.

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

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-13723

NAME AND ADDRESS: WELLS FARGO BANK NA
MAC C7300-079
1700 LINCOLN ST 7TH FLOOR
DENVER, CO 80203

SOURCE: GROUND WATER

QUANTITY: 0.48 CFS
158.00 AFY

PRIORITY DATE: 10/10/1974

POINT OF DIVERSION: T05N R45E S05 NESESE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.48 CFS 158.00 AFY

PLACE OF USE: Irrigation Within Teton County
T05N R45E S05 NWSW 39.0 SWSW 35.0
74.0 Acres Total

This right is limited to the irrigation of 52.5 acres within
the place of use described above in a single irrigation season.

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

This water right is subject to a private agreement entered into
between Kerry Gee & Kathleen Gee and Wells Fargo Bank, NA dated
March 30, 2012 and recorded as Instrument No. 221561 in Teton
County.

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.

RECOMMENDATION

APR 19 2012

Eric J. Wildman
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 19 2012	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13723A

NAME AND ADDRESS: JERALD GEE
KERRY GEE
2364 E HWY 33
SUGAR CITY, ID 83448

SOURCE: GROUND WATER

QUANTITY: 0.18 CFS
60.00 AFY

PRIORITY DATE: 10/10/1974

POINT OF DIVERSION: T05N R45E S05 NESESE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.18 CFS 60.00 AFY

PLACE OF USE: Irrigation Within Teton County
T05N R45E S05 SESE 34.0
34.0 Acres Total

This right is limited to the irrigation of 20 acres within
the place of use described above in a single irrigation season.

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

This water right is subject to a private agreement entered into
between Kerry Gee & Kathleen Gee and Wells Fargo Bank, NA dated
March 30, 2012 and recorded as Instrument No. 221561 in Teton
County.

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.

RECOMMENDATION
APR 19 2012
<i>Eric J. Wildman</i>
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED
APR 20 2012
DEPARTMENT OF
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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

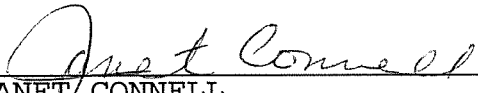
Water Right(s): 22-07105
22-13722 22-13723 22-13723A

On April 19, 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 April 19, 2012.



JANET CONNELL
Deputy Clerk

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APR 20 2012

DEPARTMENT OF
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)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 22-07105
22-13722 22-13723 22-13723A

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

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

WELLS FARGO BANK NA
Represented by:
C TIMOTHY HOPKINS
428 PARK AVE
PO BOX 51219
IDAHO FALLS, ID 83405-1219
Phone: 208-523-4445

CERTIFICATE OF MAILING

PAGE 1
04/19/12

JERALD GEE

KERRY GEE

Represented by:

RAY W. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

KERRY GEE - Rep. by: Ray Rigby

2364 E HWY 33

SUGAR CITY, ID 83448



JANET CONNELL

Deputy Clerk