

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN - 5 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
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 47-04374
) and 47-17550

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

Objections were filed by the claimant Point Ranch, Inc., and by the State of Idaho. On May 22, 2012, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 47-04374 and 47-17550 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated June 5, 2012


Theodore R. Booth
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 47-17550

NAME AND ADDRESS: POINT RANCH INC
1138-B HWY 93
ROGERSON, ID 83302

SOURCE: BIG SPRINGS TRIBUTARY: SINKS
SPRING TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.63 CFS

This right when combined with 47-4374 is limited to a total
combined diversion rate of 3.05 cfs.

PRIORITY DATE: 04/01/1987

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to Section
42-1426, Idaho Code, the earlier priority right is the superior
right.

POINT OF DIVERSION: T14S R15E S36 NENWSW Within Twin Falls County
T15S R15E S02 SWSWNE
S12 NESWNE
NWSENE

Authorization for access to, and maintenance of, the point of
diversion located on State land is evidenced by Easement
No. ES700009, recorded in the Twin Falls County Recorder's Office
as Instrument No. 2012-007405.

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.63 CFS

PLACE OF USE: Irrigation Within Twin Falls County
T14S R15E S35 NESW 32.0 NWSW 1.0
SWSW 10.0 SESW 37.0
NWSE 35.0 SWSE 30.0
145.0 Acres Total

This right is limited to the irrigation of 30 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 145 acres in a single irrigation season.
Combined Right Nos.: 47-4374 and 47-17550.

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

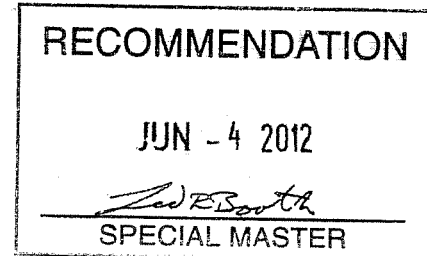
This right is based upon an enlargement of Right No. 47-4374
pursuant to Section 42-1426, Idaho Code.

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



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 47-04374

NAME AND ADDRESS: POINT RANCH INC
1138-B HWY 93
ROGERSON, ID 83302

SOURCE: BIG SPRINGS TRIBUTARY: SINKS
SPRING TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 3.05 CFS

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.
Right Nos. 47-4374 and 47-17550 are limited to a total combined
diversion rate of 3.05 cfs.

PRIORITY DATE: 05/15/1885

POINT OF DIVERSION: T14S R15E S36 NENWSW Within Twin Falls County
T15S R15E S02 SWSWNE
S12 NESWNE
NWSENE

Authorization for access to, and maintenance of, the point of
diversion located on State land is evidenced by Easement No.
ES700009, recorded in the Twin Falls County Recorder's Office as
Instrument No. 2012-007405.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.80 CFS
	Stockwater	01-01 TO 12-31	0.19 CFS
	Domestic	01-01 TO 12-31	0.06 CFS

PLACE OF USE: Irrigation Within Twin Falls County
T14S R15E S35 NESW 32.0 NWSW 1.0
SWSW 10.0 SESW 37.0
NWSE 35.0 SWSE 30.0
145.0 Acres Total

Stockwater Within Twin Falls County
T14S R15E S35 NESW NWSW
SWSW SESW
NWSE SWSE

Domestic Within Twin Falls County
T14S R15E S35 SWSE

This right is limited to the irrigation of 115 acres within the
place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for domestic
use and stockwater use is not a determination of historical
beneficial use.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

RECOMMENDATION

JUN -4 2012

Lawrence Booth
SPECIAL MASTER

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN - 5 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

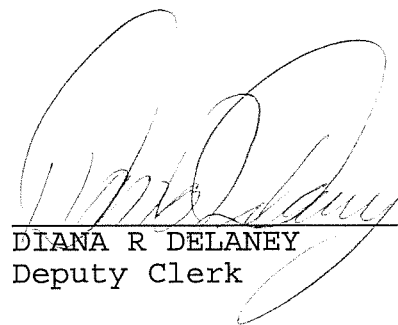
Water Right(s): 47-04374
47-17550

On June 05, 2012, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

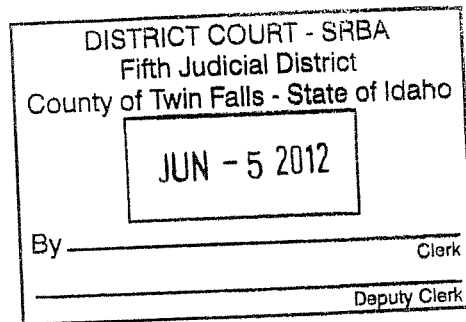
Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

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 June 05, 2012.



DIANA R DELANEY
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): 47-04374
47-17550

CERTIFICATE OF MAILING

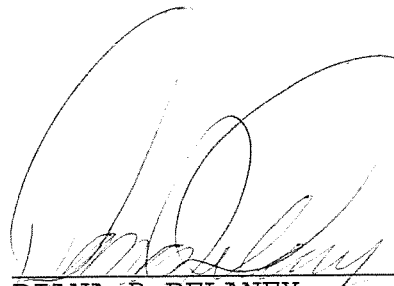
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 05, 2012, with sufficient first-class postage prepaid to the following:

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

POINT RANCH INC
Represented by:
DAVID A. COLEMAN
PO BOX 525
TWIN FALLS, ID 83303-0525
Phone: 208-734-1224

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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06/05/12