

RECEIVED
JUN 20 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 22-13738
_____	)	

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 for Late Claims* contained a recommendation for the elements of this water right.

No objections were filed for water right 22-13738. This water right however, is used in combination with water right 22-7253 which was the subject of an *Objection*. The *Objection* to water right 22-7253 was resolved on July 25, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*. There are no unresolved objections remaining.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-13738 be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: ^{JUNE} ~~May~~ 19, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

JUN 19 2012

By _____ **Clerk**

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May-15-2012

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

PLACE OF USE (continued)

		NWSE 40.0	SWSE 40.0
		SESE 40.0	
S07		NENE 39.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	LOT 1 (NWNW) 38.0
	LOT 2	(SWNW) 38.0	SENE 40.0
		NESW 40.0	LOT 3 (NWSW) 38.0
	LOT 4	(SWSW) 38.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
S08		NWNE 40.0	SWNE 14.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NWSE 14.0	SWSE 13.0
T07N R41E S26		NESW 39.0	NWSW 13.0
		SWSW 35.0	SESW 39.0
S27		SESE 5.0	
S35		NENE 39.0	NWNE 39.0
		SWNE 40.0	SENE 40.0
		NENW 39.0	NWNW 39.0
		SWNW 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 33.0	SESE 37.0
R42E S30 LOT 4		(SWSW) 17.0	SESW 40.0
		NESE 9.1	SWSE 40.0
		SESE 40.0	
S31		SWNE 40.0	SENE 38.0
	LOT 2	(SWNW) 39.0	SENE 40.0
		NESW 40.0	SESW 38.0
		NESE 37.0	NWSE 40.0
		SWSE 39.0	SESE 38.0
S32		NESW 40.0	NWSW 39.0
		SWSW 37.0	NWSE 36.0
3667.9 Acres Total			

The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

Place of use does not include federal public lands.

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

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the point of injection will be allowed even if the exchange well is pumping water into the Teton Irrigation Canal.

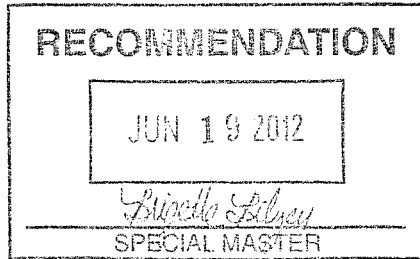
The exchange well must inject water into the Teton Irrigation Canal under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

This right is based upon an enlargement of Right No. 22-7253 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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

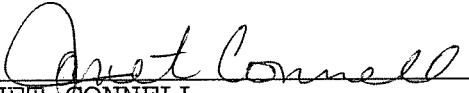
Water Right(s): 22-13738

On June 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 June 19, 2012.


JANET CONNELL
Deputy Clerk

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 22-13738

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

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

CANYON CREEK LATERAL - *Rep. by Terry Rigby*
DITCH ASSN
12241 E 3749 N
NEWDALE, ID 83436
Phone: 208-458-9807



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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06/19/12