

RECEIVED
JUL 10 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 09 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	WATER RIGHT NO.: 22-11639

I. FINDINGS OF FACT

A notice of 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* contained a recommendation for the elements of this water right.

A *Partial Decree* was issued for this right November 24, 2008. On February 18, 2009, Michael Reid filed a *Motion to Set Aside Partial Decree*. The *Motion* was resolved on March 16, 2012 with a *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree*.

A *Notice of Appeal* filed by Michael Reid on March 23, 2012 was treated as a *Motion to Alter or Amend* and was set for hearing on May 2, 2012. The parties presented arguments.

Subsequently, the parties submitted a signed *Paradise Springs Settlement* agreement (June 21, 2012) which reduced the quantity from .59 cfs to .19 cfs. The settlement agreement also established combined use remarks for using this right with other water rights on Paradise Springs.

Considering the record on file, particularly the *Paradise Springs Settlement* agreement which ended the litigation over the water rights on Paradise Springs, the *Motion to Alter or Amend* was **granted**. (July 9, 2012). This water right will be recommended consistent with the *Paradise*

Springs Settlement agreement.

II. CONCLUSIONS OF LAW

THEREFORE, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*.

DATED: July 9, 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

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-11639

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

JUL 09 2012

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: JOY M REID
MICHAEL L REID
STEPHEN D REID
550 S 450 W
VICTOR, ID 83455

SOURCE: PARADISE SPRING TRIBUTARY: TETON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 07/21/1969

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-15 TO 10-31	0.19 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S30 SENW 35.6
35.6 Acres Total

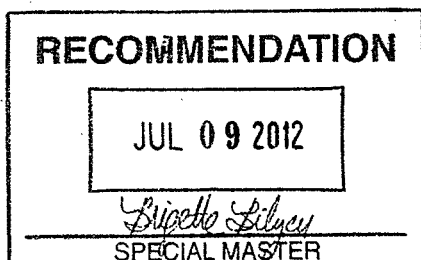
Right Nos. 22-11639 and 22-13212 are limited to the irrigation
of a combined total of 35.6 acres in a single irrigation season.
This right is limited to the irrigation of 9.6 acres within the
place of use described above in a single irrigation season.

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

THIS 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 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 *AmENDED*
SPECIAL MASTER'S
RECOMMENDATION

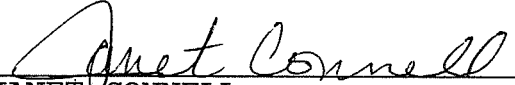
Water Right(s): 22-11639

On July 09, 2012, Special Master BRIGETTE BILYEU
issued a ~~SPECIAL MASTER'S RECOMMENDATION~~^{Amended} 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 July 09, 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): 22-11639

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ^{AMENDED} 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 July 09, 2012, with sufficient first-class postage prepaid to
the following:

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

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION LLC
RAINBOW RANCHES INC
TREES INC

Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CERTIFICATE OF MAILING

PAGE 1
07/09/12

JOY M REID
MICHAEL L REID
MICHAEL REID
STEPHEN D REID
550 S 450 W
VICTOR, ID 83455
Phone: 208-354-8024



JANET CONNELL
Deputy Clerk