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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 31 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
	)	
	)	
_____	)	FOR WATER RIGHT: 22-12647,
	)	22-14011, 22-14012, and 22-14013

I. FINDINGS OF FACT

A notice of claim was filed for 22-12647 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.

Objections and Responses were filed by various parties. A *Motion to File Amended Notice of Claim* was filed on August 19, 2010 by multiple claimants to assert a recovered water/recharge theory (hereafter "rec/rec"). That theory and the related *Amended Claims* were later withdrawn by the claimants in consolidated subcase 00-92020.

A. Rec/Rec

Subsequently, IDWR reviewed its *Director's Reports* for the rec/rec subcases to insure that it had included the elements from prior decrees, licenses and transfers. Subcase 22-12647 was identified by IDWR as needing changes and was placed on the list of rec/rec subcases set for trial.

An *Amended Director's Report* was filed on May 30, 2012, which resulted in splitting the former parent right 22-12647 into assigned split right numbers 22-14011, 22-14012, and 22-14013. 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. In addition, a Status Conference was held on July 18, 2012. The parties agreed that these subcases be recommended and decreed with the elements of the *Amended Director's Report*.

B. Digital Boundary

The place of use for these rights is a digital boundary and is illustrated by the map overlay attached to the *Recommendations for Partial Decree*. The digital boundary for the place of use is described on a CD-Rom filed with the court.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-12647 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 22-14011, 22-12012, and 22-14013 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: July 31, 2012.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

JUL 31 2012

By _____ Clerk
 _____ Deputy Clerk

JUL 31 2012

County of Twin Falls - State of Idaho

PAGE 1
Jul-30-2012

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

JUL 31 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____) Water Right 22-14013

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NAME AND ADDRESS: STEWART DITCH
 C/O REED ASHCRAFT
 2373 E 214 N
 ST ANTHONY, ID 83445

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 16.14 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T07N R41E S30 NESE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	16.14 CFS

PLACE OF USE:

363 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the area served by Stewart Ditch. The rights listed below are limited to the irrigation of a combined total of 363 acres in a single irrigation season. Combined Right Nos.: 22-537C, 22-538C, 22-13164, 22-14011, 22-14012, and 22-14013.

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.

RECOMMENDATION

JUL 31 2012

Bigello Bilyeu
 SPECIAL MASTER

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

Stewart Ditch

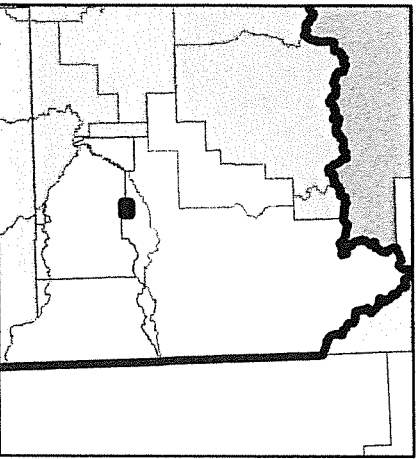
Adjudication Recommendations: 22-537C, 22-538C, 22-13164, 22-14011, 22-14012, 22-14013

R40E

DISTRICT COURT, SBBA
 Judicial District of Idaho
 County of Teton
 By _____
 Clerk
 Deputy Clerk

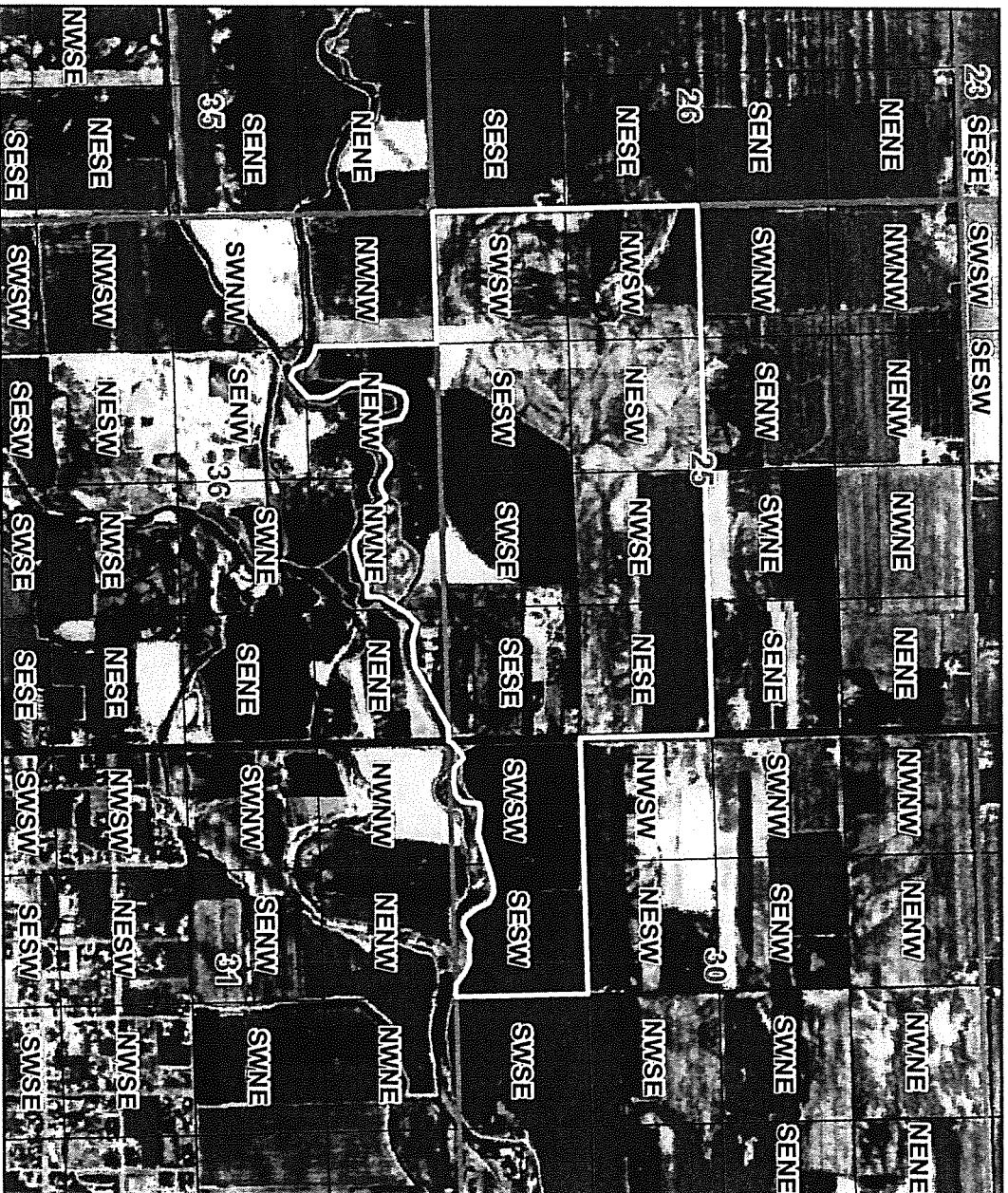
Service Area Boundary
 Illustration
 Place of Use

- ☐ State Outline
- ☐ Townships
- ☐ PLS Sections
- ☐ Quarter Quarters



Fremont County
 IDWR Basin 22

Prepared by Favreau, Danielle
 On May 16, 2012
 1987/88 Aerial Photography



T07N



DEPARTMENT OF
WATER RESOURCES

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

JUL 31 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): 22-12647
22-14011 22-14012 22-14013

On July 31, 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 July 31, 2012.


JANET CONNELL
Deputy Clerk

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In Re SRBA)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 22-12647
22-14011 22-14012 22-14013

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 July 31, 2012, with sufficient first-class postage prepaid to the following:

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

STEWART DITCH
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 07/31/12
Deputy Clerk