

DEPARTMENT OF
WATER RESOURCES

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

OCT 05 2012

By _____
DISTRICT OF THE _____ Clerk
TWIN FALLS _____ 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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT: 37-13115

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.

Objections were filed by the United States Bureau of Land Management and the United States Bureau of Reclamation. An Initial Hearing was held on October 16, 2008. At the hearing, the United States Bureau of Reclamation made an oral *Motion to Withdraw Objection*. There was no opposition.

The remaining *Objection* was resolved on September 4, 2012 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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 Partial Decree*.

DATED: October 5, 2012.

Brigitte Bilyeu
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-13115

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho OCT 05 2012 By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: BIG WOOD CANAL COMPANY
C/O LYNN HARMON MANAGER
409 N APPLE ST
SHOSHONE, ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 20.00 CFS

PRIORITY DATE: 05/10/1909

POINT OF DIVERSION:	T02S R18E S30	SWSENE Within Blaine County
	T03S R18E S09	SENESE Within Lincoln County
	T04S R18E S15	SWNWSE
	R19E S25	SENWSE (Injection)
		NESWSE (Rediversion)
	T05S R14E S33	NWNESE Within Gooding County
	S35	NESENE (Rediversion)
	R15E S12	NESESW Within Lincoln County
	R16E S29	SWSESW (Rediversion)
	R19E S05	SWNWSE (Rediversion)
	T06S R14E S30	SENESEW (Rediversion)
		NESESW (Rediversion)

Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	11-01 TO 03-31	20.00 CFS

Stockwater use for shareholders of the Big Wood Canal Company during the non-irrigation season.

PLACE OF USE:

Place of Use is within the area served by the Big Wood Canal Company as recorded in irrigation water rights 37-867, 37-870, 37-894B, 37-895, 37-13116 and 37-20733.
Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

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).

RECOMMENDATION OCT 05 2012 <i>Bipette Lilley</i> SPECIAL MASTER
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OCT 09 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 05 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

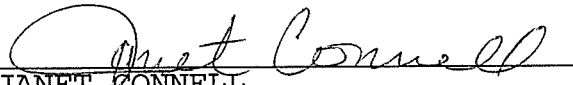
Water Right(s): 37-13115

On October 05, 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 October 05, 2012.


JANET CONNELL
Deputy Clerk

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OCT 09 2012

DEPARTMENT OF
WATER RESOURCES

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

OCT 05 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): 37-13115

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 October 05, 2012, with sufficient first-class postage prepaid to the following:

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

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D HOBDEY
HOBDEY LAW OFFICE PLLC
125 5TH AVE
PO BOX 176
GOODING, ID 83330-0176
Phone: 208-934-4429

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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10/05/12