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DEC 10 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 07 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 ON
	)	MOTION TO SET ASIDE PARTIAL
Case No. 39576	)	DECREE
	)	
_____	)	WATER RIGHT NO.: 25-7004

I. FINDINGS OF FACT

The SRBA District Court issued a *Partial Decree* for this water right on September 30, 2005. A Status Conference was held on August 29, 2012. At the hearing, the United States Bureau of Reclamation made an oral *Motion to Set Aside Partial Decree*.

Presiding Judge Eric Wildman issued an *Order of Reference Appointing Brigitte Bilyeu as Special Master* on August 30, 2012. Hearings on the *Motion to Set Aside Partial Decree* were held on September 12, 2012 and September 26, 2012. There was no opposition to the *Motion*.

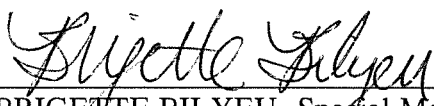
An *Amended Directors' Report* was filed on September 28, 2012. No objections were filed, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted**, and that an *Amended Partial Decree* be issued with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. The recommended elements are consistent with the *Amended Directors' Report*.

This *Special Master's Report and Recommendation* resolves all the elements of this right and administrative provisions for this water right except issues arising from the Basin-Wide 17 proceedings. Therefore, it is anticipated that the SRBA District Court may wait until the conclusion of Basin-Wide 17 to issue the *Partial Decree*.

DATED: December 7, 2012.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 07 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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 25-07004

NAME AND ADDRESS: UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 90500.00 AFY

The reservoir storage capacity is 90,500 acre feet when filled
to elevation 5112.8 and measured at the upstream face of the
dam.

PRIORITY DATE: 06/16/1969

POINT OF DIVERSION: T03N R40E S22 NWNW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	80500.00 AFY
	Irrigation from Storage	04-01 TO 10-31	80500.00 AFY
	Wildlife Storage	01-01 TO 12-31	10000.00 AFY

PLACE OF USE:

Place of use for irrigation storage and wildlife storage is
Ririe Reservoir.

The place of use for irrigation from storage is upon lands
located along the Snake River and its tributaries in Eastern
Idaho within the Minidoka Federal Reclamation Project as listed
in Storage Contract 4-07-10-W0999 dated March 31, 1994, between
the United States and Mitigation, Inc.

Place of use for storage is Ririe Reservoir, provided, however,
that water under this right may be temporarily held in the
unoccupied space of any of the reservoirs upstream of Milner Dam,
located at Township 10S, Range 21E, Sections 28 and 29, when
determined by the Water District 01 Watermaster as supervised by
the Director of the Department of Water Resources, the Water
District 01 advisory committee, and the United States Bureau of
Reclamation that such temporary storage will maximize the storage
of water upstream of Milner Dam.

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

The name of the United States of America acting through the
Bureau of Reclamation appears in the Name and Address sections of
this partial decree. However, as a matter of Idaho Constitutional
and Statutory Law, title to the use of the water is held by the
consumers or users of the water. The irrigation organizations act
on behalf of the consumers or users to administer the use of the
water for the landowners in the quantities and/or percentages
specified in the contracts between the Bureau of Reclamation and
the irrigation organizations for the benefit of the landowners
entitled to receive distribution of this water from the
respective irrigation organizations. The interest of the
consumers or users of the water is appurtenant to the lands
within the boundaries of or served by such irrigation
organizations, and that interest is derived from law and is not

OTHER PROVISIONS (continued)

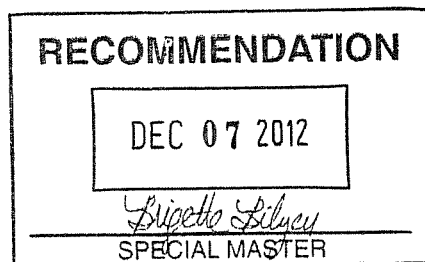
based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations. The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560, and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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

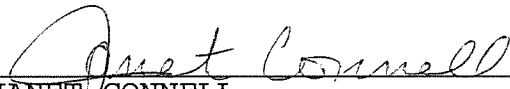
Water Right(s): 25-07004

On December 07, 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 December 07, 2012.


JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

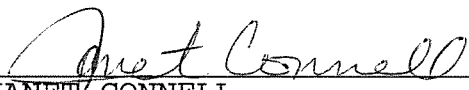
Water Right(s): 25-07004

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 December 07, 2012, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234
Phone: 208-378-5322


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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12/07/12