

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho
 DEC 11 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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION ON MOTION
TO SET ASIDE PARTIAL DECREE**

WATER RIGHT NO.: 37-12172

I. PROCEDURAL BACKGROUND

The SRBA District Court issued a *Partial Decree* for this water right on January 5, 2001. On August 22, 2012, Marlow Geuin filed correspondence on behalf of Ronald and Marlow Geuin requesting that the *Partial Decree* be set aside. The Court treated the correspondence as a *Motion to Set Aside Partial Decree*. Presiding Judge Eric Wildman issued an *Order of Reference Appointing Brigitte Bilyeu as Special Master* on September 4, 2012. A hearing on the *Motion to Set Aside Partial Decree* was held on October 10, 2012.

II. FINDINGS OF FACT

In support of the *Motion*, Marlow and Ronald Geuin explained that 37-12172 had a *Partial Decree* issued for domestic purposes for 1 home. However, the legal description for place of use was incorrectly described. The decreed legal description is in Blaine County in a location where there is no house. IDWR confirmed that the legal description was apparently claimed incorrectly and should be corrected.

An *Amended Director's Report* was filed on October 23, 2012. The *Amended Director's Report*, which identified the correct legal description, 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.

III. CONCLUSIONS AND RECOMMENDATIONS

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 Director's Report*.

Dated: December 11, 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)

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

Case No. 39576)

Water Right 37-12172

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

DEC 11 2012

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: MARLOW GEUIN
RONALD S GEUIN
PO BOX 1689
SUN VALLEY, ID 83353

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/05/1965

POINT OF DIVERSION: T05N R17E S14 NWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Blaine County
T05N R17E S14 NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

DEC 11 2012

Bigelle Bilcy
SPECIAL MASTER

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

RECEIVED

DEC 12 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 11 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	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
	)	REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	
_____	)	Water Right (s): 37-12172

On December 11, 2012 Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE 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 11, 2012.



Janet Connell
Deputy Clerk

RECEIVED

DEC 12 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 11 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	)	CERTIFICATE OF MAILING
Case No. 39576	)	
	)	
	)	Water Right (s) : 37-12172
_____	)	

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE was mailed on December 11, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, Idaho 83720-0098

Ronald S Geuin
Marlow Geuin
P.O. Box 1689
Sun Valley, Idaho 83353


Janet Connell
Deputy Clerk