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FEB 21 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 14 2013	
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

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

) WATER RIGHT NO.: 22-13853
)

I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued for this water right on April 13, 2012. A *Paradise Springs Settlement* was filed on June 21, 2012 prior to a partial decree being issued. An *Order of Reference Appointing Special Master Brigitte Bilyeu* was filed on June 27, 2012. As part of the *Paradise Springs Settlement*, the parties agreed that the claimant of 22-13853 would submit an amended claim. A *Motion to File Amended Claim* was filed on July 30, 2012. There was no opposition to the *Motion*. The *Motion* was granted.

An *Amended Director's Report* was filed on October 29, 2012. *Objections* were filed by Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc., and Trees, Inc. A *Notice of Completed Administrative Proceeding* was filed on January 22, 2013. The NCAP changed ownership to Rick and Betty Miles.

The *Objections* were resolved on February 4, 2013 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*. This water right will be recommended consistent with the *Standard Form 5*.

II. CONCLUSIONS OF LAW

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

DATED: February 14, 2013.



BRIGITTE BILYEU, Special Master
Snake River Basin Adjudication

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FEB 14 2013

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 22-13853

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: BETTY MILES
RICK MILES
446 N 4108 E
RIGBY, ID 83442

SOURCE: PARADISE SPRINGS TRIBUTARY: TETON RIVER

QUANTITY: 0.33 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.33 CFS
	Stockwater	04-15 TO 10-31	0.02 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S19 SESW 5.4
S30 NENW 17.6
23.0 Acres Total

Stockwater Within Teton County
Same as Irrigation

Right Nos. 22-13853 and 22-14051 are limited to the irrigation of
a combined total of 23 acres in a single irrigation season.
This right is limited to the irrigation of 16.5 acres within the
place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

This water right shall not be permitted to make a delivery call
against water right nos.: 22-13961, 22-13962, 22-13963, 22-13964,
22-2280E, 22-2296E, 22-2296D, and 22-13681, and their progeny,
provided however, that this subordination condition shall be of
no effect so long as the property is owned by Rick and Betty
Miles, their heirs, or any entity owned by them.

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

FEB 14 2013

Diggett Silvey
SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

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): 22-13853

On February 14, 2013, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 February 14, 2013.


JANET CONNELL
Deputy Clerk

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_____)

CERTIFICATE OF MAILING

Water Right(s): 22-13853

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 February 14, 2013, with sufficient first-class postage prepaid to the following:

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

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

CERTIFICATE OF MAILING

PAGE 1
02/14/13

CC: MAHOGANY RANCH HOLDINGS
CC: SHIVER, AL
CEDRON IRRIGATION LLC
TETON 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



JANET CONNELL
Deputy Clerk