

RECEIVED
MAR 04 2013
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 28 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 37-1151D
_____	)	

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.

An *Objection* was filed by Harry S. Rinker on May 22, 2007. A *Notice of Completed Administrative Proceeding* was filed on February 22, 2008 changing ownership to Rock Creek LLC.

The *Objection* was resolved on March 4, 2011 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: February 28, 2013.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

DISTRICT OF THE
TWIN FALLS

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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 37-01151D

NAME AND ADDRESS: ROCK CREEK LLC
 C/O HARRY S RINKER MANAGER
 PO BOX 7250
 NEWPORT BEACH, CA 92658

SOURCE: ROCK CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 3.00 CFS

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

PRIORITY DATE: 06/13/1899

POINT OF DIVERSION:	T01N R17E S11	SESW	Within Blaine County
	S14	NENW	
		NESW	
		NWSE	
	S23	NENE	
		NESE	
	S26	SWNE	
		SENE	
	S35	SENW	

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	3.00 CFS
Stockwater	04-15 TO 10-31	0.23 CFS

PLACE OF USE:

Irrigation		Within Blaine County	
T01N R17E S14	NWNE 7.4	SWNE 2.1	
	NENW 5.2	SENW 17.0	
	NESW 16.0	SESW 0.9	
	NWSE 0.8	SWSE 15.0	
S23	NENE 12.0	NWNE 4.6	
	SENE 14.0	NESE 24.0	
	NWSE 0.3	SWSE 8.4	
	SESE 23.0		
S26	NENE 16.0	NWNE 4.0	
	SWNE 8.3	SENE 10.0	
	NESW 0.3	SESW 13.0	
	NWSE 31.0	SWSE 21.0	
S35	NWNE 8.7	SWNE 0.4	
	NENW 19.0	SENW 11.0	
293.4 Acres Total			

Stockwater		Within Blaine County
T01N R17E S14	NWNE	SWNE
	NENW	SENW
	NESW	SESW
	NWSE	SWSE
S23	NENE	NWNE
	SENE	NESE
	NWSE	SWSE
	SESE	
S26	NENE	NWNE
	SWNE	SENE
	NESW	SESW

PLACE OF USE (continued)

	NWSE	SWSE
S35	NWNE	SWNE
	NENW	SENW

The rights listed below are limited to the irrigation of a combined total of 249.7 acres in a single irrigation season. Combine Right Nos.: 37-1151D, 37-1152 and 37-22464. This right is limited to the irrigation of 100.9 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 293.4 acres in a single irrigation season. Combined Right Nos.: 37-627, 37-1151D, 37-1152, 37-22398 and 37-22464.

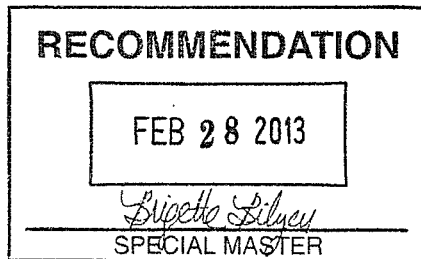
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

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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Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

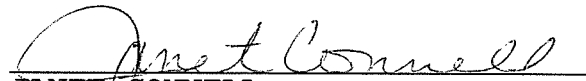
Water Right(s): 37-01151D

On February 28, 2013, 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 February 28, 2013.


JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-01151D

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 28, 2013, with sufficient first-class postage prepaid to the following:

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

HARRY S RINKER
ROCK CREEK LLC
Represented by:
ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS ET AL
PO BOX 168
JEROME, ID 83338
Phone: 208-324-2303


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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02/28/13