

DEPARTMENT OF
WATER RESOURCES

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

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

JUN 14 2013

By _____
CLERK OF THE _____ Clerk
OF TWIN FALLS _____ Deputy Clerk

In Re SRBA

Case No. 39576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW
FOR WATER RIGHT: 37-892**

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* was filed on April 30, 2012 and contained a recommendation for the elements of this water right.

An *Objection* was filed by Upper Wood River Water Users Association, Inc. and Brown Ranch, Inc. The *Objection* was resolved on March 13, 2013 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

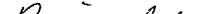
A. Digital Boundary

The place of use for this right is a digital boundary and is illustrated by the map overlay attached to the *Recommendation for Partial Decree*. The digital boundary for the place of use is described on a CD-Rom filed with the court.

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: June 14, 2013.

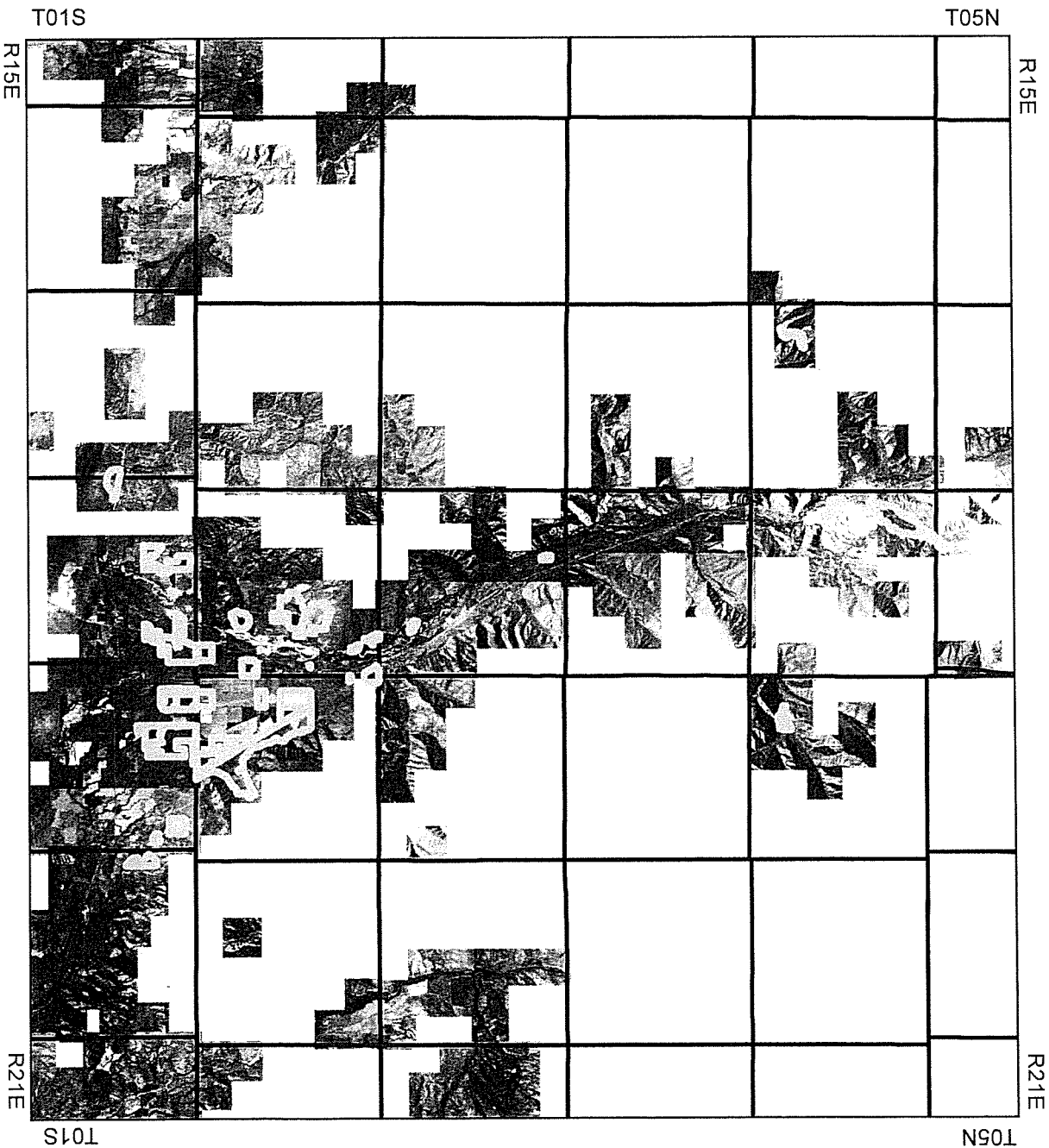
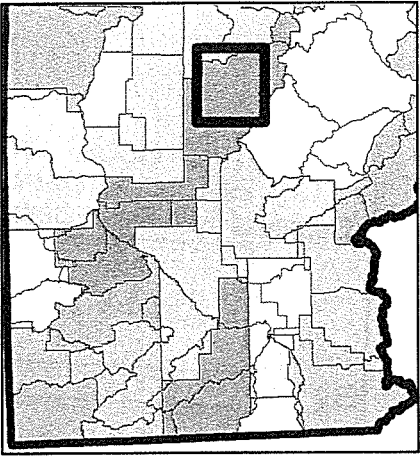

BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

Upper Wood River Water Users Assn. Inc.

Adjudication Recommendations: 37-891A, 37-892

Blaine County
County of Blaine, State of Idaho
DISTRICT CLERK
FILED
MAY 14 2013
Service Area Boundary
Irrigation Right of Use Illustration
By _____

- Service Area
- Township/Range
- State Outline



Prepared by Favreau, Danielle
On May 24, 2013

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

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 14 2013	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00892

NAME AND ADDRESS: UPPER WOOD RIVER WATER USERS
ASSOCIATION INC
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
TRAIL CREEK TRIBUTARY: BIG WOOD RIVER
WARM SPRINGS CREEK TRIBUTARY: BIG WOOD RIVER
EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 11.232 CFS

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Upper Big Wood River Water Users Assn, et al., plaintiff vs. S. H. Chapman, Watermaster, Defendant in the District Court of Lincoln County dated 8/28/1922.

PRIORITY DATE: 09/01/1920

POINT OF DIVERSION: T01N R18E S01 NENWSW Within Blaine County
S02 LOT 1 (SWNE)
S12 NENWSW
NWSESW
NWSESW
S25 NWSESW
NESWSW
S35 SESE
T01S R18E S02 NESESE
LOT 2 (SWNE)
S19 NWNENE
T02N R18E S26 LOT 3 (NESWNW)
LOT 1 (NESWSW)
NWSW
SWSE
T03N R18E S20 SWNW
T04N R17E S30 SESE
S31 NWNE
R18E S05 LOT 3 (NENW)
S07 SWSE
R19E S28 NWSW
S29 SESW
NESE
SWSE
T05N R18E S32 NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	11.232 CFS

PLACE OF USE: 7366 ACRES TOTAL
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk

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WATER RESOURCES

PLACE OF USE (continued)

issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. This right is limited to the irrigation of 7366 acres within the boundary of the Upper Wood River Water Users Assn. Right Nos. 37-891A and 37-892 are limited to the irrigation of a combined total of 7366 acres in a single irrigation season. Place of use does not include federal public lands.

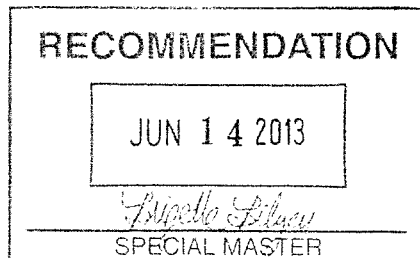
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4 Section 12, T1N, R18E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not called for during the irrigation season.

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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DEPARTMENT OF
WATER RESOURCES

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

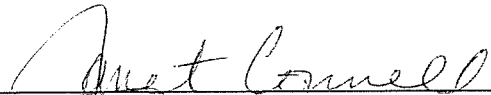
Water Right(s): 37-00892

On June 14, 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.

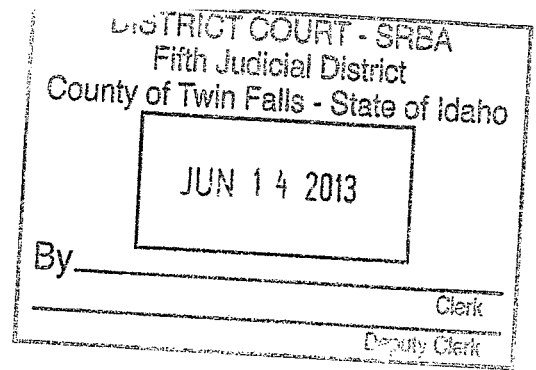
DATED June 14, 2013.


JANET CONNELL
Deputy Clerk

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JUN 17 2013

DEPARTMENT OF
WATER RESOURCES



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): 37-00892

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

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

CC: JOHN & KRISTY MOLYNEUX
Represented by:
ALBERT P BARKER
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BROWN RANCH INC
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702-6049
Phone: 208-331-0950

CERTIFICATE OF MAILING

PAGE 1
06/14/13

UPPER WOOD RIVER WATER USERS

Represented by:

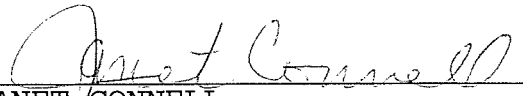
SCOTT L CAMPBELL

101 S CAPITOL BLVD 10TH FL

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000



JANET CONNELL
Deputy Clerk