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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT -1 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	)	Subcases 36-16908 & 36-16923
	)	(Stone)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

On May 16, 2012, SRBA Presiding Judge Eric J. Wildman entered an *Order Conditionally Granting Late Notices of Claim* in the above two claims filed by Richard and Nan Stone, P.O. Box 1331, Sun Valley, Idaho, 83353. In subcase 36-16908, the Stones sought .2 cfs / 4af from Billingsley Creek for year-'round diversion to storage and wildlife storage (Pond #1) in Gooding County based on beneficial use with a priority date of January 1, 1956. In subcase 36-16923, the Stones sought virtually the same water right for Pond #2 with a priority date of January 1, 1970.

IDWR filed its *Director's Report for Late Claims* on December 27, 2012. The Director recommended both claims be disallowed: "No lawful appropriation shown."

A scheduling conference was held on September 5, 2013. On September 27, 2013, the Stones, with IDWR's concurrence, filed *Standard Forms 5* agreeing to allow water right 36-16908 for .2 cfs for wildlife use from December 1 to February 14 and disallow claim 36-16923.

Conclusions of Law

The Stones are entitled to a partial decree adjudicating water right 36-16908 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-16908*. The Stones are **not** entitled to a water right for claim 36-16923.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 36-16923 be **disallowed**.

DATED October 1, 2013.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-16908

NAME AND ADDRESS: NAN ALLISON STONE
RICHARD LARRY STONE
PO BOX 1331
SUN VALLEY, ID 83353

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.20 CFS

PRIORITY DATE: 01/01/1956

POINT OF DIVERSION: T07S R13E S11 SENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	12-01 TO 02-14	0.20 CFS

PLACE OF USE: Wildlife Within Gooding County
T07S R13E S23 SWNW

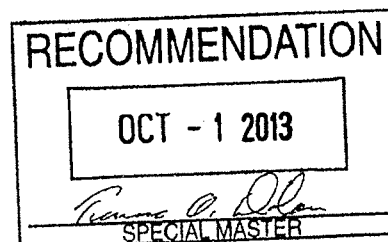
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

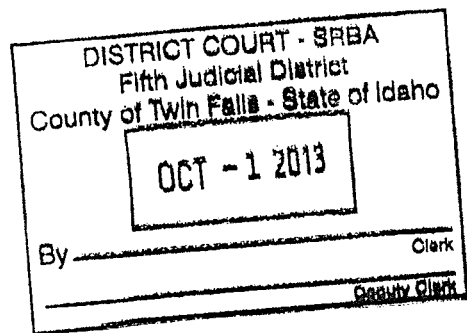
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

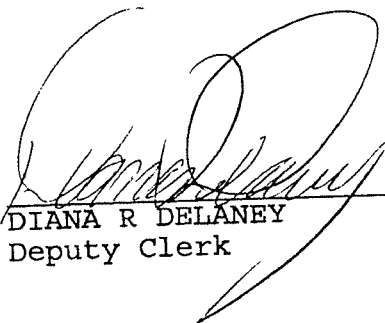
Water Right(s): 36-16908
36-16923

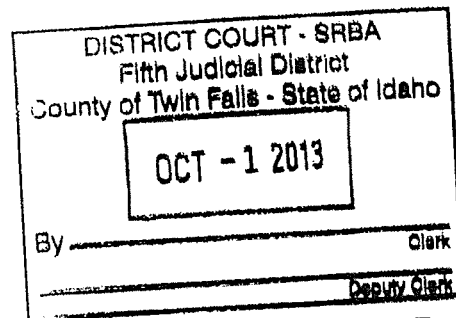
On October 01, 2013, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 October 01, 2013.


DIANA R DELANEY
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)

CERTIFICATE OF MAILING

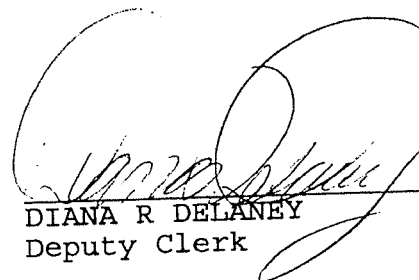
Water Right(s): 36-16908
36-16923

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 October 01, 2013, with sufficient first-class postage prepaid to the following:

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

LARRY & NAN STONE
LARRY STONE
NAN ALLISON STONE
NAN ALLISON-STONE
RICHARD LARRY STONE
Represented by:
FRITZ X. HAEMMERLE
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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