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DEC 05 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC - 4 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

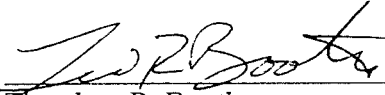
) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION RE: HILL REAL
) ESTATE LLC'S MOTION TO SET-
) ASIDE AND ENTER
) CORRECTED PARTIAL DECREE
)
) FOR WATER RIGHT Nos. 63-32253 and
) 63-33837

A *Partial Decree* was issued for water right 63-32253 on January 14, 2009. On August 9, 2013, the current owner of a split portion (63-33837) of water right 63-32253, Hill Real Estate, LLC, through its attorney Shelly M. Davis, filed *Hill Real Estate, LLC's Motion to Set-Aside and Enter Corrected Partial Decree*, together with supporting memoranda and affidavit. A continued hearing on the *Motion* was held on October 29, 2013. Based upon the comments of the participants at the hearing, and upon the file and record herein, this Special Master finds that the movant has satisfied the criteria set forth in I.R.C.P. 60(b), and that the SRBA District Court should set aside the previously issued *Partial Decree* and issue an amended partial decree for water right 63-32253 as recommended herein. In anticipation of the issuance of an amended partial decree, an *Amended Director's Report* was filed for water right 63-32253 by IDWR on October 29, 2013. Notice of the issuance of the *Amended Director's Report* was published on the Court's docket sheet in November 2013, with an objection period ending November 29, 2013. No objections were filed to the *Amended Director's Report*, and the time for objecting has expired.

On October 31, 2013, IDWR filed a *Notice of Completed Administrative Proceeding* (NCAP) which split water right 63-32253 into water right nos. 63-32253 and 63-33837.

Therefore based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court issue an amended partial decree for water right 63-32253 with the elements as set forth in the attached ***Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)***. IT IS FURTHER RECOMMENDED that the SRBA District Court issue a partial decree for water right 63-33837 with the elements as set forth in the attached ***Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)***.

Dated December 4, 2013


Theodore R. Booth
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 63-32253

NAME AND ADDRESS: JUDITH A BROCK
RICHARD C BROCK
27244 MOUNTAIN RANCH RD
CALDWELL, ID 83607-1104

SOURCE: GROUND WATER

QUANTITY: 1.30 CFS
362.70 AFY

PRIORITY DATE: 01/08/1973

POINT OF DIVERSION: T05N R04W S14 SWNESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.30 CFS 362.70 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Canyon County
	T05N R04W S14 LOT 4 (SWSW)18.6	LOT 3 (SESW) 3.0
	LOT 2 (SWSE)35.0	
	S15 LOT 1 (SESE)24.0	
	80.6 Acres Total	

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

RECOMMENDATION

DEC -4 2013

Lawrence B. South
SPECIAL MASTER

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 63-33837

NAME AND ADDRESS: HILL REAL ESTATE LLC
4961 N HOLLOW LN
BOISE, ID 83702

SOURCE: GROUND WATER

QUANTITY: 0.65 CFS
180.00 AFY

PRIORITY DATE: 01/08/1973

POINT OF DIVERSION: T05N R04W S14 SWNESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.65 CFS 180.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Canyon County
T05N R04W S14 LOT 4 (SWSW) 3.0 LOT 3 (SESW) 37.0
40.0 Acres Total

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

RECOMMENDATION

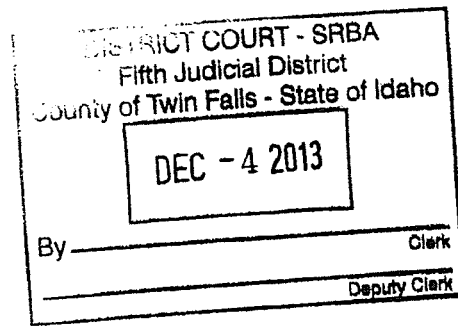
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David R. Booth
SPECIAL MASTER

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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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-32253
63-33837

On December 04, 2013, Special Master THEODORE R. BOOTH 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 December 04, 2013.

A handwritten signature in black ink, appearing to read "Diana R. Delaney".

DIANA R. DELANEY
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC - 4 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-32253
63-33837

CERTIFICATE OF MAILING

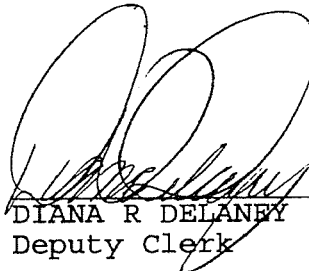
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 04, 2013, with sufficient first-class postage prepaid to the following:

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

HILL REAL ESTATE LLC
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

JUDITH A BROCK
RICHARD C BROCK
27244 MOUNTAIN RANCH RD
CALDWELL, ID 83607-1104
Phone: 208-459-4755

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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