

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 8 2014	
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
	)	02-2010 (split):
	)	02-2010A (Wilson & Wilson)
	)	02-2010B (Rivendale)
	)	and
Case No. 39576	)	02-2049 and 02-2050 (Wilson & Wilson)
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

02-2049 and 02-2050

On April 18, 2012, Wilson & Wilson Company, Inc., was granted leave to file a late notice of claim in subcase 02-2050. On June 1, 2012, Wilson & Wilson filed its *Motion to Modify or Set Aside Partial Decrees* in six subcases, including subcases 02-2049 and 02-2050 even though 02-2049 and 02-2050 have not been partially decreed. SRBA Presiding Judge Eric J. Wildman entered an *Order of Reference Appointing Special Master Terrence A. Dolan* on June 4, 2012, to examine the underlying merits as to whether and how the *Partial Decrees* should be set aside and amended.

On January 16, 2013, Judge Wildman entered an *Order Granting Motion to File Late Notice of Claim* in subcase 02-2049 and on January 17, 2013, the Special Master entered an *Order Granting Motion to Amend Claims* in subcases 02-2049 and 02-2050.

02-2010

On February 20, 2013, Judge Wildman entered an *Order Conditionally Granting Late Notice of Claim* filed by Wilson & Wilson in subcase 02-2010 "subject to the filing and

service... by the Claimant of an *Amended Late Notice of Claim* with respect to the above-captioned water right consistent with the amended claim submitted to the [IDWR] Department." On February 25, 2013, Wilson & Wilson filed its *Amended Notice of Claim* in subcase 02-2010 listing the co-claimants as Wilson & Wilson Co., Inc., and Rivendale LLC.

On June 20, 2013, IDWR filed its *Director's Report for Late Claims* recommending claim 02-2010 be split into 02-2010A (Wilson & Wilson) and 02-2010B (Rivendale). The deadline to file objections was August 23, 2013, and no one objected.

Amended Director's Report

On November 27, 2013, IDWR filed its *Amended Director's Report, Subcase Nos. 02-02010A, 02-02049 & 02-02050* recommending all three water rights to Wilson & Wilson Co., Inc. The deadline to file objections was December 31, 2013 (see November 25, 2013 *Order Setting Deadlines*), and no one objected.

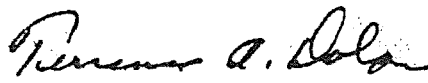
Conclusions of Law

1. Wilson & Wilson is entitled to partial decrees adjudicating water rights as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-2010A, 02-2049 and 02-2050*;
2. Rivendale is entitled to a partial decree adjudicating a water right as described in the attached *Special Master Recommendation for Partial Decree for Water Right 02-2010B*; and
3. Claim 02-2010 should be disallowed having been split into water rights 02-2010A and 02-2010B.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 02-2010 be **disallowed**.

DATED January 8, 2014.



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 02-02010B

NAME AND ADDRESS: RIVENDALE LLC
52356 HWY 78
HAMMETT, ID 83627-5003

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.27 CFS

PRIORITY DATE: 08/09/1910

POINT OF DIVERSION: T06S R07E S01 LOT 5 (SNNW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.27 CFS

PLACE OF USE: Irrigation Within Owyhee County
T06S R07E S01 LOT 5 (SNNW)52.0 LOT 6 (SENN) 4.0
56.0 Acres Total

Right Nos. 2-2010B, 2-2391B, 2-2402, 51-7154 and 51-12809 are
limited to the irrigation of a combined total of 334 acres in a
single irrigation season.
This right is limited to the irrigation of 13.5 acres within the
place of use described above in a single irrigation season.

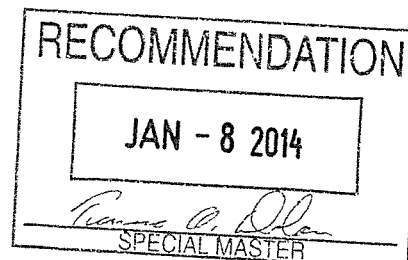
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-02010A

NAME AND ADDRESS: WILSON & WILSON CO INC
PO BOX 33
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.62 CFS

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION: T06S R08E S06 NWNW Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 2.62 CFS

PLACE OF USE: Irrigation Within Owyhee County
T06S R07E S11 NENE 3.3 NWNE 17.0
SWNE 39.0 SENE 37.0
S12 SWNW 8.3 NESW 0.7
SESW 32.0 NESE 34.0
NWSE 11.0 SWSE 27.0
SESE 26.0
235.3 Acres Total

This right is limited to the irrigation of 130.7 acres within
the place of use described above in a single irrigation season.

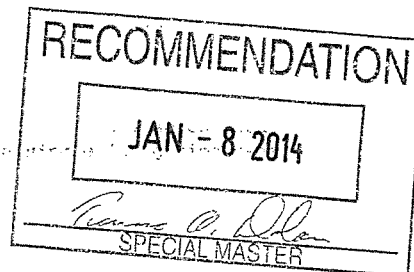
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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 02-02049

NAME AND ADDRESS: WILSON & WILSON CO INC
PO BOX 33
HAMMETT, ID 83627

ANDREW JOHNSON
LORNA JOHNSON
PO BOX 35
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.90 CFS

PRIORITY DATE: 12/14/1944

POINT OF DIVERSION: T06S R08E S06 LOT 4 (NWNW) Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.90 CFS

PLACE OF USE: Irrigation Within Owyhee County
T06S R07E S11 NENW 38.0 NWNW 4.9
SENE 39.0
R08E S06 LOT 8 (SWSW) 29.0
S07 LOT 1 (NWNW) 31.0 LOT 2 (SWNW) 31.0
172.9 Acres Total

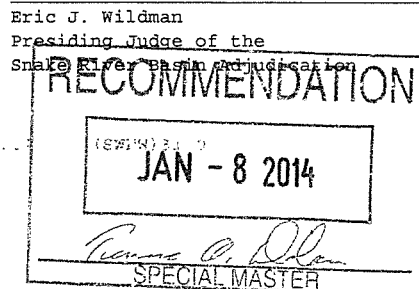
This right is limited to the irrigation of 45 acres within the
place of use described above in a single irrigation season.

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

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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 02-02050

NAME AND ADDRESS: WILSON & WILSON CO INC
PO BOX 33
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.34 CFS

PRIORITY DATE: 12/18/1944

POINT OF DIVERSION: T06S R08E S06 LOT 4 (NWNW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.34 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T06S R07E S11	NENE 3.3 NWNE 17.0 SWNE 39.0 SENE 37.0
	S12	SWNW 8.3
	R08E S07 LOT 3	(NWSW) 21.0
	LOT 4	(SWSW) 0.8
	126.4 Acres Total	

This right is limited to the irrigation of 17 acres within the
place of use described above in a single irrigation season.

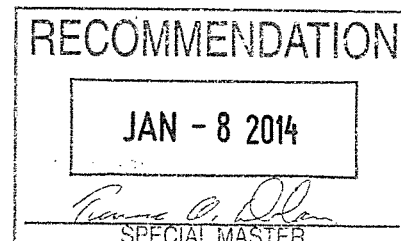
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

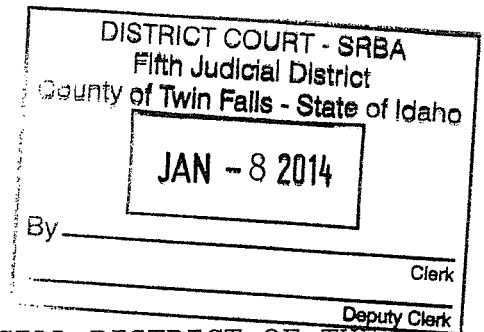
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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

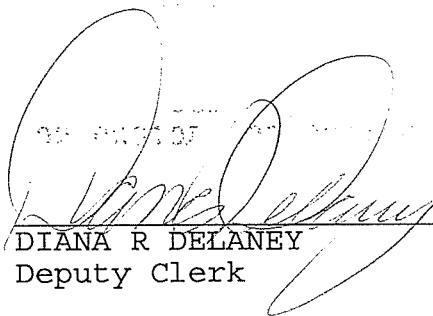
Water Right(s): 02-02010
02-02010A 02-02010B 02-02049
02-02050

On January 08, 2014, 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 January 08, 2014.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN - 8 2014	
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): 02-02010
02-02010A 02-02010B 02-02049
02-02050

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 January 08, 2014, with sufficient first-class postage prepaid to the following:

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

RIVENDALE LLC
Represented by:
JOHN M MARSHALL
JOHN M MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE, ID 83702-5917
Phone: 208-991-2701

CERTIFICATE OF MAILING

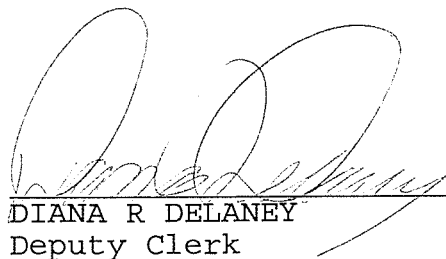
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WILSON & WILSON CO
WILSON & WILSON CO INC
Represented by:
MICHAEL E BAND
199 N CAPITOL BLVD STE 600
PO BOX 1583
BOISE, ID 83701
Phone: 208-342-3658

WILSON & WILSON CO
Represented by:
TERRY C COPPLE
PO BOX 1583
BOISE, ID 83701
Phone: 208-342-3658

WILSON & WILSON CO INC
PO BOX 33
HAMMETT, ID 83627
Phone: 208-599-2180

ANDREW JOHNSON
LORNA JOHNSON
PO BOX 35
HAMMETT, ID 83627



DIANA R DELANEY
Deputy Clerk