

DEPARTMENT OF
WATER RESOURCES

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

JAN 14 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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT: 37-12388

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. This water claim 37-12388 was disallowed on October 12, 2010 when a *Final Order Disallowing Water Right Claim* was issued.

On February 22, 2013, Gary Hoffman filed a *Rule 60(b) Motion for Relief from Judgment*. The SRBA District Court granted the *Motion* in the *Order Setting Aside Final Order Disallowing Water Right Claim* (May 21, 2013).

The *Director's Report* contained a recommendation for the elements of this water right in the *Director's Report of Late Claims* (June 20, 2013). The claimant filed an *Objection* on August 22, 2013. A Status Conference/Initial Hearing was held on October 23, 2013. A trial was set for February 5, 2014. The claimant and IDWR worked on calculations relating to quantity in order to attempt a resolution of the *Objection* filed by claimant. Additional hearings were held on December 4, 2013, and January 8, 2014.

The *Objection* was resolved on January 8, 2014 with the filing of a *Standard Form 5*. All

parties to the subcase and IDWR are signatories to the *Standard Form 5*. The party and IDWR reported that they were prepared for the court to issue a *Master's Report and Recommendation*.

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: January 14, 2014.


BRIGETTE BILYEU
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 37-12388

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 14 2014
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: GARY HOFFMAN
PO BOX 1529
KETCHUM, ID 83340

SOURCE: GROUND WATER

QUANTITY: 0.05 CFS
16.80 AFY

PRIORITY DATE: 07/14/1955

POINT OF DIVERSION: T04N R18E S30 SENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.02 CFS
			1.80 AFY
	Domestic	01-01 TO 12-31	0.05 CFS
			15.00 AFY

Domestic use is for 25 homes.

PLACE OF USE:	Irrigation	Within Blaine County
	T04N R18E S30	SESE 0.6
	2.1 Acres Total	
	Domestic	Within Blaine County
	T04N R18E S30	SESE

This right is limited to the irrigation of 0.5 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.

RECOMMENDATION
JAN 14 2014
<i>Bigello Silveo</i>
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 16 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 14 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

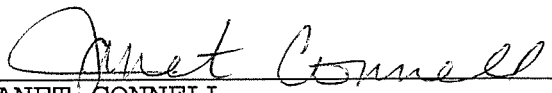
Water Right(s): 37-12388

On January 14, 2014, 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.

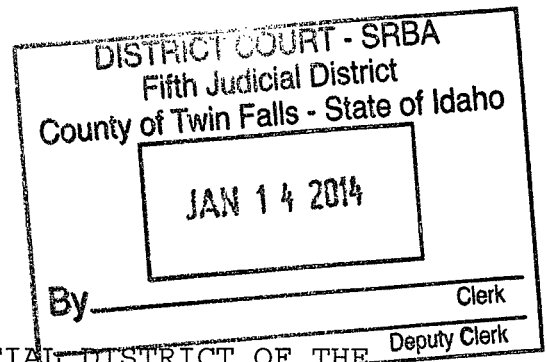
DATED January 14, 2014.


JANET CONNELL
Deputy Clerk

RECEIVED

JAN 16 2014

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) : 37-12388

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 14, 2014, with sufficient first-class postage prepaid to the following:

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

GARY HOFFMAN
SUN VALLEY TRAILER PARKS INC
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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