

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

JAN 29 2014

CLERK OF THE DISTRICT COURT
COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION ON MOTION
	)	TO SET ASIDE PARTIAL DECREE
Case No. 39576	)	
	)	WATER RIGHTS: 21-14, 21-15, 21-2153,
	)	21-2159, 21-4006, 21-4007, 21-4008, and
	)	21-7151

I. PROCEDURAL BACKGROUND

The SRBA District Court issued *Partial Decrees* for these water rights on February 2, 2007. The Idaho Department of Fish and Game filed a *Motion to Set Aside Partial Decrees* on August 23, 2013. Presiding Judge Eric Wildman issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on August 30, 2013. A Status Conference / Initial Hearing was held on September 25, 2013. Further hearings were held on October 23, 2013 and January 15, 2014.

II. FINDINGS OF FACT

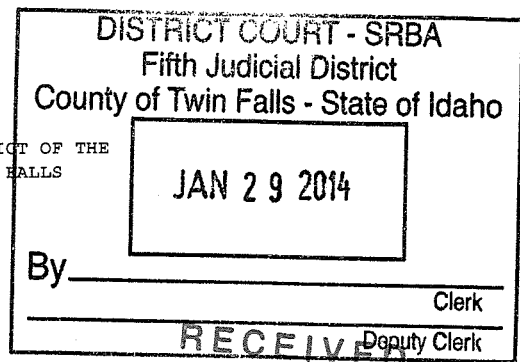
An *Amended Director's Report* was filed for these rights on November 27, 2013. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decrees* be **granted** and that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decrees*.

Dated: January 29, 2014.

Brigitte Bilyeu
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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-00014

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: UNNAMED STREAM TRIBUTARY: SAND CREEK

QUANTITY: 1.00 CFS

Right Nos. 21-14, 21-15 and 21-4006 are limited to a total
combined diversion rate of 1.20 cfs.

PRIORITY DATE: 05/15/1896

POINT OF DIVERSION: T10N R41E S10 NWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	04-15 TO 10-31	1.00 CFS

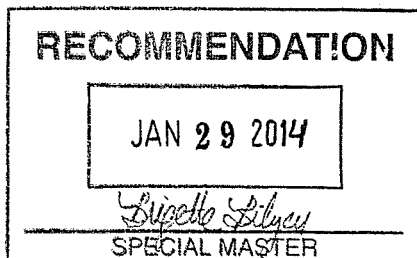
PLACE OF USE:	Fish Propagation	Within Fremont County
	T10N R41E S09	NESE NWSE
		SWSE SESE
	S10	SWSW

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

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-00015

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 2014	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: UNNAMED STREAM TRIBUTARY: SAND CREEK

QUANTITY: 0.20 CFS

Right Nos. 21-14, 21-15, and 21-4006 are limited to a total
combined diversion rate of 1.20 cfs.

PRIORITY DATE: 05/15/1896

POINT OF DIVERSION: T10N R41E S10 NWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	04-15 TO 10-31	0.20 CFS

PLACE OF USE:	Fish Propagation	Within Fremont County
	T10N R41E S09	NESE
		NWSE
		SESE
	S10	SWSW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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 29 2014
<i>Bigelow Dilyeu</i>
SPECIAL MASTER

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-02153

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

JAN 29 2014

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: BLUE CREEK TRIBUTARY: SINKS

QUANTITY: 64.20 AFY

PRIORITY DATE: 10/16/1919

POINT OF DIVERSION: T10N R41E S03 NWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation Storage	01-01 TO 12-31	64.20 AFY

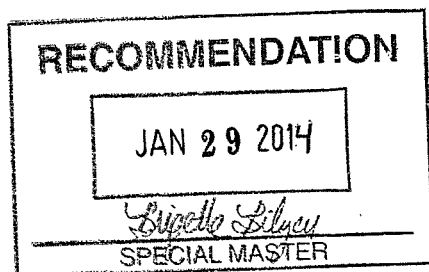
PLACE OF USE:	Fish Propagation Storage	Within Fremont County
	T10N R41E S03	SWNW SENW
		NESW NWSW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-02159

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho JAN 29 2014 By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: BLUE CREEK TRIBUTARY: SINKS

QUANTITY: 150.00 AFY

PRIORITY DATE: 05/13/1960

POINT OF DIVERSION: T10N R41E S09 SWSE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation Storage	01-01 TO 12-31	150.00 AFY

PLACE OF USE:	Fish Propagation Storage	Within Fremont County
	T10N R41E S09 NESE SWSE S10 SWSW	NWSE SESE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RECOMMENDATION JAN 29 2014 <i>Brietta Lilley</i> SPECIAL MASTER
--

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-04006

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 2014	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: UNNAMED STREAM TRIBUTARY: SAND CREEK

QUANTITY: 0.332 CFS
240.00 AFY

Right Nos. 21-14, 21-15 and 21-4006 are limited to a total
combined diversion rate of 1.20 cfs.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T10N R41E S10 NWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Diversion to Storage	01-01 TO 12-31	0.332 CFS
	Fish Propagation Storage	01-01 TO 12-31	240.00 AFY

PLACE OF USE:	Fish Propagation Storage	Within Fremont County
	T10N R41E S09	NESE
		NWSE
		SESE
	S10	SWSW

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

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RECOMMENDATION
JAN 29 2014
<i>Dipetto Silvey</i>
SPECIAL MASTER

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

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-04007

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 29 2014
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: BLUE CREEK TRIBUTARY: SINKS

QUANTITY: 168.00 AFY

PRIORITY DATE: 11/01/1965

POINT OF DIVERSION: T10N R41E S09 NESE Within Fremont County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation Storage	01-01 TO 12-31	168.00 AFY

PLACE OF USE:	Fish Propagation Storage	Within Fremont County
	T10N R41E S09 SENE	NESE
	S10 NWSW	

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

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RECOMMENDATION
JAN 29 2014
<i>Eric J. Wildman</i> SPECIAL MASTER

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-04008

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 2014	
By _____	Clerk _____
Deputy Clerk _____	

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: BLUE CREEK TRIBUTARY: SINKS

QUANTITY: 77.00 AFY

PRIORITY DATE: 04/30/1969

POINT OF DIVERSION: T10N R41E S10 NWNW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation Storage	01-01 TO 12-31	77.00 AFY

PLACE OF USE:	Fish Propagation Storage	Within Fremont County
	T10N R41E S10 SWNW	SENW

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

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RECOMMENDATION
JAN 29 2014
<i>Liggett Silvey</i>
SPECIAL MASTER

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-07151

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 2014	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

SOURCE: BLUE CREEK TRIBUTARY: SINKS

QUANTITY: 56.00 AFY

PRIORITY DATE: 05/16/1978

POINT OF DIVERSION: T10N R41E S10 NWN Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation Storage	01-01 TO 12-31	56.00 AFY

PLACE OF USE: Fish Propagation Storage Within Fremont County
T10N R41E S09 NENE
S10 NWNW

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

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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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RECOMMENDATION
JAN 29 2014
<i>Bigette Lilacu</i> SPECIAL MASTER

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