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OCT 07 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 06 2014	
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
_____	)	WATER RIGHT NO.: 22-14112

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. The *Late Claim Director's Report* filed on June 30, 2014 contained a recommendation for the elements of this water right.

An *Objection* was filed by W Diamond Ranches, LLC on July 30, 2014. An Initial Hearing was held on September 3, 2014 and a trial date was set. A Status Conference was held on October 1, 2014. At the Status Conference, W Diamond Ranches made an oral *Motion to Withdraw Objection*. There was no opposition to the *Motion*. The Court **granted** the *Motion*. There are no outstanding *Objections* remaining in this subcase. This water right will be recommended consistent with the *Late Claim Director's Report*.

The *Late Claim Director's Report* based this right on a Wyoming license (Certificate of Appropriation of Water). The Wyoming license shows elements located in Wyoming, and notes the place of use in Idaho. The elements recommended here report the Wyoming elements determined in the license, and recommend the Idaho elements.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 6, 2014.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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

OCT 06 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____) Water Right 22-14112

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NAME AND ADDRESS: W-DIAMOND RANCHES LLC
 2655 S STATELINE RD
 DRIGGS, ID 83422

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.66 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted therefrom as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 10/02/1906

POINT OF DIVERSION: T05N R46E S20 LOT 2 (SWNE) Within Teton County

The point of diversion for this water right is in Wyoming, T44N, R118W, S21, SESW, Sixth Principal Meridian. The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.66 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T05N R46E S32	
		NWNW 40.0
		SENW 40.0
		NWSW 39.0
	184.0 Acres Total	

This right is limited to the irrigation of 116 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 water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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).

RECOMMENDATION

OCT 06 2014

[Signature]
SPECIAL MASTER

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

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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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

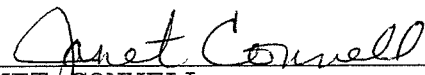
Water Right(s): 22-14112

On October 06, 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 October 06, 2014.



JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 22-14112

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 06, 2014, with sufficient first-class postage prepaid to the following:

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

W-DIAMOND RANCHES LLC
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

W-DIAMOND RANCHES LLC
Represented by:
ROBERT H WOOD
RIGBY ANDRUS RIGBY CHARTERED
25 NORTH 2ND EAST
PO BOX 250
REXBURG, ID 83340
Phone: 208-356-3633

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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10/06/14