

DEPARTMENT OF
WATER RESOURCES

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

DEC 18 2017

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**

WATER RIGHT NO.: 29-14177

I. FINDINGS OF FACT

A notice of claim was filed for this water right. This subcase began with a *Motion for Determination of Deferred De Minimis Domestic or Stock Water Use* filed by Jerre Evans and Monte Evans. Several *Objections* and *Responses* were filed. The Idaho Department of Water Resources filed a *Notice of Examination of Deferred De Minimis Domestic and/or Stock Water Use*. IDWR filed a *Director's Report of Deferred De Minimis Domestic and/or Stockwater Water Use* and an *Affidavit of Service*. The parties attended a Mandatory Settlement Conference and worked on resolving a parallel case in Power County.

After several hearings, the parties reached an agreement which was finalized in a *Standard Form 5* filed on December 12, 2017. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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: December 18, 2017.

Brigitte Bilyeu
BRIGITTE BILYEU
Special Master
Snake River Basin Adjudication

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

DEC 18 2017

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 29-14177

NAME AND ADDRESS: JERRE EVANS
 MONTE EVANS
 5050 BAILEY RD
 ARBON, ID 83212

SOURCE: BANNOCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/01/1914

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 29-2470, 29-13708, 29-13949, 29-13950, 29-13951, 29-13952, 29-13984, and 29-13985.

POINT OF DIVERSION: T11S R33E S01 SENE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE: Stockwater T11S R33E S01 SENE Within Power County

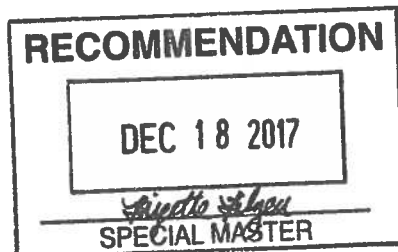
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

DISTRICT COURT - SRBA	
Fifth Judicial District	
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Deputy Clerk	

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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): 29-14177

On December 18, 2017, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1 (A01), 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 18, 2017.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 18 2017	
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): 29-14177

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 18, 2017, with sufficient first-class postage prepaid to the following:

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

JERRE EVANS
MONTE EVANS
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

PAGE 1
12/18/17

G5 LAND COMPANY
JACOB ANDERSEN
KEN CAMPBELL
WILLARD LYNN ANDERSEN

Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
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BLAKE JOHNSON
4751 EVANS LN
PO BOX 47
ARBON, ID 83212
Phone: 208-241-8617


JANET CONNELL
Deputy Clerk