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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - PRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 29 2024	
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 PRBA	)	SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW
	)	
Case No. 59576	)	
_____	)	
	)	WATER RIGHT NO.: 87-12314

I. FINDINGS OF FACT

A 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 *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by The Ruth A. Elliot 1992 Revocable Living Trust on August 12, 2022. The *Objection* was resolved with the filing of a *Standard Form 5/Amended Claim* on December 26, 2023. All parties to the subcase and IDWR are signatories to the *Standard Form 5/Amended Claim*. The *Standard Form 5/Amended Claim* was placed on the Docket Sheet. No objections were filed, and the time for filing such objections has now expired. There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

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: February 29, 2024.



BRIGETTE BILYEU
Special Master
Palouse River Basin Adjudication

DISTRICT COURT - PRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 29 2024	
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 PRBA)
)
Case No. 59576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

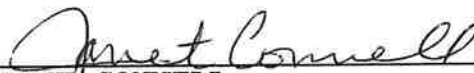
Water Right(s): 87-12314

On February 29, 2024, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to PRBA Administrative Order 1 (A01), Section 13a.

Pursuant to PRBA 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 February 29, 2024.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - PRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 29 2024	
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 PRBA)
)
Case No. 59576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 87-12314

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 February 29, 2024, with sufficient first-class postage prepaid to the following:

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

THE RUTH A. ELLIOTT 1992
Represented by:
CANDICE M MCHUGH
380 S 4TH ST STE 103
BOISE, ID 83702
Phone: 208-287-0991


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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

FEB 29 2024

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 PRBA)
))
Case No. 59576)
_____)

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

Water Right 87-12314

NAME AND ADDRESS: THE RUTH A. ELLIOTT 1992
REVOCABLE LIVING TRUST
1050 HALL RD
VIOLA, ID 83872-9775

SOURCE: UNNAMED STREAM TRIBUTARY: WEST FORK FLANNIGAN CREEK

QUANTITY: 1.20 AFY

This right authorizes a total annual storage volume of 1.2 acre-
feet, 0.1 acre-feet to be used for the initial filling or
carryover storage of the pond and 0.9 acre-feet for the
replacement of losses caused by seepage and evaporation and up to
0.2 acre-feet for additional refills for stockwater storage and
wildlife storage use.
The capacity of the storage reservoir is 0.1 AF. The pond may be
refilled multiple times in a single year.

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION: T40N R05W S03 LOT 5 (SWNW) Within Latah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Aesthetic Storage	01-01 TO 12-31	1.00 AFY
	Fire Protection Storage	01-01 TO 12-31	1.00 AFY
	Recreation Storage	01-01 TO 12-31	1.00 AFY
	Stockwater Storage	01-01 TO 12-31	1.20 AFY
	Wildlife Storage	01-01 TO 12-31	1.20 AFY
	Fire Protect from Storage	01-01 TO 12-31	1.00 AFY

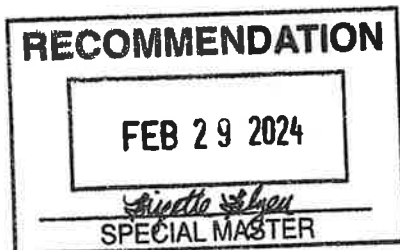
PLACE OF USE:	Stockwater Storage	Within Latah County
	T40N R05W S03 LOT 5 (SWNW)	
	Wildlife Storage	Within Latah County
	T40N R05W S03 LOT 5 (SWNW)	
	Recreation Storage	Within Latah County
	T40N R05W S03 LOT 5 (SWNW)	
	Fire Protection Storage	Within Latah County
	T40N R05W S03 LOT 5 (SWNW)	
	Fire Protect from Storage	Within Latah County
	T40N R05W S03 LOT 5 (SWNW)	SENW
	NESW	LOT 6 (NWSW)
	S04 SENE	NESE
	Aesthetic Storage	Within Latah County
	T40N R05W S03 LOT 5 (SWNW)	

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
Palouse River Basin Adjudication