

## BASIN 25 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 25.

COPY

- 
1. The following water rights from the following sources of water in Basin 25 shall be administered separately from all other water rights in Basin 25 and *all surface water rights diverted from the Snake River* in accordance with the prior appropriation doctrine as established by Idaho law:

**Water Right No.**

**Source**

25-4085

Scotts Slough

2. The following water rights from the following sources of water in Basin 25 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

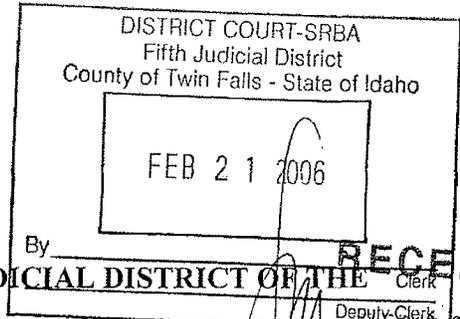
**Water Right No.**

**Source**

None

None

3. Except as otherwise specified above, all other water rights within Basin 25 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.



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2006  
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 ) ORDER OF PARTIAL DECREE FOR  
GENERAL PROVISIONS IN BASIN 25 )

On January 26, 2005, pursuant to Idaho Code § 42-1411(3), the Director of the Idaho Department of Water Resources filed a *Director's Report for Irrigation and Other Uses, Reporting Area 14, IDWR Basin 25*, recommending general provisions applicable to water rights in Basin 25. The only general provision recommended by the Director in Basin 25 is the connected sources (conjunctive management) general provision. No objections were filed to the general provision portion of the Basin 25 *Director's Report* and the time period for filing objection has expired. On September 20, 2005, pursuant to Idaho Code § 42-1412(7), the Court held a hearing on those portions of the *Director's Report* for which no objection was filed.

On February 27, 2002, Judge Burdick issued a *Memorandum Decision and Order of Partial Decree* in Basin Wide Issue 5 (Connected Sources General Provision), Subcase 91-00005. Therein, Judge Burdick decreed the form of the conjunctive management general provision to be used in each administrative basin within the Snake River Basin Adjudication. The connected sources general provision recommended in the Basin 25 *Director's Report* is consistent with the *Order* issued in Basin Wide Issue 5.

In accordance with the foregoing, IT IS ORDERED that the Basin 25 general provisions are hereby decreed as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for General Provisions in Basin 25* entered contemporaneously herewith.

Dated February 16, 2006

\_\_\_\_\_  
JOHN MELANSON  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

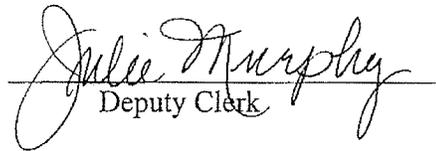
I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR GENERAL PROVISIONS IN BASIN 25 was mailed on Feb. 21, 2006 with sufficient first-class postage to the following:

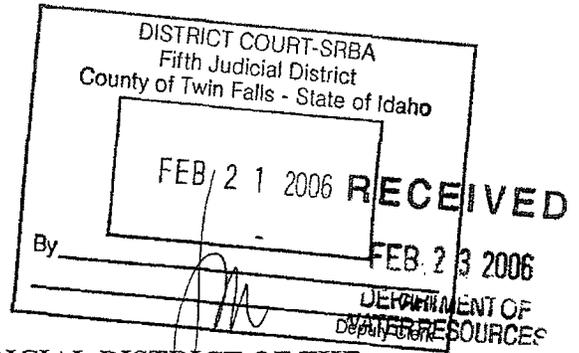
Director of IDWR  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Div.  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, Idaho 83711-4449

U.S. Department of Justice  
Environment & Natural Resources Div.  
550 W Fort St., MSC 033  
Boise, ID 83724

Independent Irrigation Co  
755 N 3400 E  
Menan, ID 83434

  
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	)	<b>PARTIAL DECREE PURSUANT TO</b>
	)	<b>I.R.C.P. 54(b) FOR GENERAL</b>
	)	<b>PROVISIONS IN BASIN 25</b>
_____	)	

The following general provisions are hereby decreed to be applicable to water rights in Basin 25.

The following water rights from the following sources of water in Basin 25 shall be administered separately from all other water rights in Basin 25 and *all surface water rights diverted from the Snake River* in accordance with the prior appropriation doctrine as established by Idaho law.

<u>Water Right No.</u>	<u>Source</u>
25-4085	Scotts Slough

The following water rights from the following sources of water in Basin 25 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

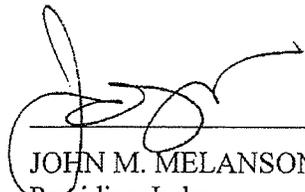
<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

Except as otherwise specified above, all other water rights within Basin 25 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

**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 in the Idaho Appellate Rules.

Dated February 16, 2006

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

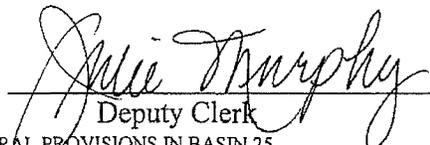
I certify that a true and correct copy of the **PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR GENERAL PROVISIONS IN BASIN 25** was mailed on *February 21, 2006* with sufficient first-class postage to the following:

Director of IDWR  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Div.  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, Idaho 83711-4449

U.S. Department of Justice  
Environment & Natural Resources Div.  
550 W Fort St., MSC 033  
Boise, ID 83724

Independent Irrigation Co  
755 N 3400 E  
Menan, ID 83434

  
\_\_\_\_\_  
Deputy Clerk

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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

MAR 30 2006

By \_\_\_\_\_ Clerk  
Deputy Clerk

In Re SRBA

SUPPLEMENTAL ORDER OF REFERENCE  
APPOINTING SPECIAL MASTER  
BRIGETTE BILYEU TO PRESIDE OVER  
RECOMMENDED GENERAL PROVISIONS  
FOR REPORTING AREA 14 BASIN 25

Case No. 39576

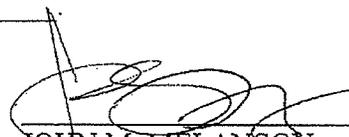
Special Master Brigette Bilyeu is appointed as special master to preside over all recommended general provisions for Reporting Area 14, Basin 25 and shall proceed under *SRBA Administrative Order 1* consistent with the *Order of Reference* previously issued for the above-captioned basin. Pursuant to this *Supplemental Order of Reference* the Special Master shall preside over any objections filed to the general provisions for the above-captioned basin. Following proceedings on objections the Special Master shall issue a *Special Master's Report and Recommendation* consistent with the outcome of the proceedings.

If following a review of the objections filed in the subcases for the above-captioned basin it is determined that none of objections pertain to the recommended general provisions then the Special Master shall file a *Special Master's Report and Recommendation* notifying the Court that the recommended general provisions for the basin were uncontested and ready for decree.

In carrying out duties under this *Supplemental Order of Reference* the Special Master shall have all of the authority conferred by the *Order of Reference* previously issued for the above-captioned basin.

IT IS SO ORDERED.

DATED March 30, 2006

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I hereby certify that true and correct copies of the **SUPPLEMENTAL ORDER OF REFERENCE APPOINTING SPECIAL MASTER BRIGETTE BILYEU TO PRESIDE OVER RECOMMENDED GENERAL PROVISIONS FOR REPORTING AREA 14 BASIN 25** were mailed on March 30, 2006, by first-class mail to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
Deputy Clerk

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NOV 01 2011

DEPARTMENT OF  
WATER RESOURCES

Fifth Judicial District  
County of Twin Falls - State of Idaho

OCT 31 2011

By \_\_\_\_\_ Clerk

\_\_\_\_\_  
County 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 FOR GENERAL**  
) **PROVISIONS IN REPORTING AREA 14**  
) **BASIN 25**  
)  
)  
)  
)

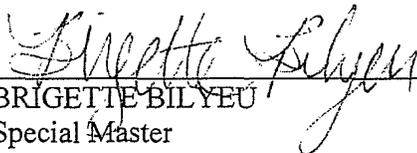
On January 26, 2005, pursuant to Idaho Code § 42-1411(3), the Director of the Idaho Department of Water Resources filed a *Director's Report for Irrigation and Other Uses, Reporting Area 14, IDWR Basin 25* ("*Director's Report*"), recommending general provisions applicable to water rights in Basin 25. On February 21, 2006, a *Partial Decree Pursuant to I.R.C.P. 54(b) for General Provisions in Basin 25* was entered decreeing the general provisions applicable to water rights in Basin 25. On March 30, 2006, a *Supplemental Order of Reference* was issued directing that "the Special Master shall preside over any objections filed to the general provisions for the above-captioned basin." The only general provision recommended by the Director in Basin 25 is the connected sources (conjunctive management) general provision.

A review of the Court's files and records reveals that there are no pending objections specifically filed to the general provision portion of the *Director's Report*. Additionally, upon a review of the subcases with unresolved objections in Basin 25, this Special Master finds that none of those subcases involve issues that relate to the recommended Basin 25 general provisions. Therefore, the Special Master finds that there are no remaining issues pertaining to the recommended Basin 25 general provisions.

In accordance with the foregoing, IT IS RECOMMENDED that no changes be made to the *Partial Decree Pursuant to I.R.C.P. 54(b) for General Provision in Basin 25* entered on

February 21, 2006, and that the *Partial Decree* stay in full effect and force as presently constituted.

DATED: Oct 31, 2011

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

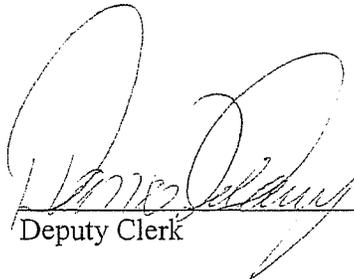
**CERTIFICATE OF MAILING**

I hereby certify that true and correct copies of the *SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR GENERAL PROVISIONS IN REPORTING AREA 14 BASIN 25* were mailed on October 31, 2011, by first-class mail to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resources Div  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
Deputy Clerk

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DEC 01 2011

DEPARTMENT OF  
WATER RESOURCES

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

NOV 30 2011

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 )

ORDER RE: GENERAL PROVISION  
FOR BASIN 25

On January 26, 2005, pursuant to Idaho Code § 42-1411(3), the Director of the Idaho Department of Water Resources filed a *Director's Report for Irrigation and Other Uses, Reporting Area 14, IDWR Basin 25* ("*Director's Report*"), recommending general provisions applicable to water rights in Basin 25. On February 21, 2006, a *Partial Decree Pursuant to I.R.C.P. 54(b) for General Provisions in Basin 25* was entered decreeing the general provisions applicable to water rights in Basin 25. On March 30, 2006, a *Supplemental Order of Reference* was issued directing that "the Special Master shall preside over any objections filed to the general provisions for the above-captioned basin." The only general provision recommended by the Director in Basin 25 is the connected sources (conjunctive management) general provision.

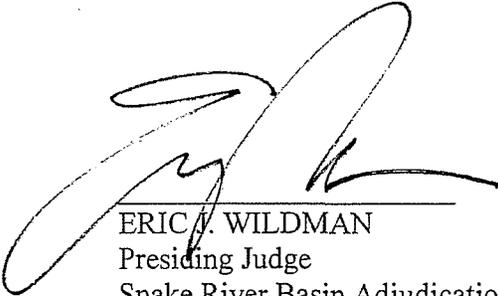
On October 31, 2011, the Special Master issued a *Special Master's Report and Recommendation for General Provisions in Reporting Area 14 Basin 25*. The *Special Master's Report and Recommendation* found that there are no pending objections specifically filed to the general provision portion of the *Director's Report*, and that none of the unresolved subcases in Basin 25 involve issues related to the recommended Basin 25 general provision. Therefore, the Special Master recommended that no changes be made to the *Partial Decree Pursuant to I.R.C.P. 54(b) for General Provisions in Basin 25* entered on February 21, 2006, and that the *Partial Decree* stay in full effect and force as presently constituted.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that no changes be made to the *Partial Decree Pursuant to I.R.C.P. 54(b) for General Provisions in Basin 25* entered on February 21, 2006, and that the *Partial Decree* stay in full effect and force as presently constituted.

Dated

Nov. 30, 2011

A large, stylized handwritten signature in black ink, appearing to read 'Eric J. Wildman', is written over a horizontal line.

ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

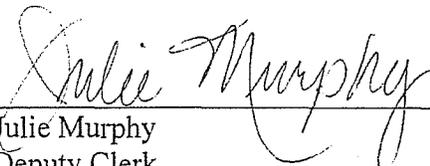
**CERTIFICATE OF MAILING**

I hereby certify that true and correct copies of the **ORDER RE: GENERAL PROVISION FOR BASIN 25** were mailed on November 30, 2011, by first-class mail to the following:

DIRECTOR OF IDWR  
PO Box 83720  
Boise, ID 83720-0098

State of Idaho  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Julie Murphy  
Deputy Clerk