

2003 MAR -7 AM 10:00

NOT
TWIN FALLS CO., IDAHO
FILED lf

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
	)	
	)	FOR WATER RIGHTS: 32-11219

I. FINDINGS OF FACT

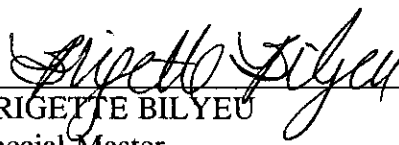
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

Wahoo & BHA Inc. filed an *Objection* on December 13, 1999. A *Notice of Completed Administrative Proceeding (NCAP)* was filed on June 24, 2002. The NCAP resolved the objection filed by Wahoo & BHA Inc. A *Notice of Withdrawal of Objection* was filed by Wahoo & BHA Inc. on January 17, 2003. 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: March 6, 2003.


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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 32-11219

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1-SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: WAHOO & BHA INC
3930 E 2000 N
SUGAR CITY, ID 83448

SOURCE: INDIAN CREEK TRIBUTARY: MEDICINE LODGE CREEK

QUANTITY: 4.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.82 CFS.
COMBINED RIGHT NOS.: 32-00014, 32-00015, 32-00016

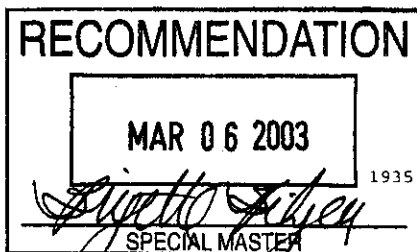
PRIORITY DATE: 04/01/1987

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T12N R34E S36 LOT 3 (SESW) Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.50 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T11N R34E S12	
	NENE 34.0	NWNE 40.0
	SWNE 40.0	SENE 34.0
	NENW 32.0	SENE 36.0
	NESW 34.0	SESW 38.0
	NESE 32.0	NWSE 40.0
	SWSE 39.0	SESE 32.0
	S13	
	NENE 40.0	NWNE 30.0
	SWNE 25.0	SENE 40.0
	SESW 11.0	NESE 40.0
	NWSE 30.0	SWSE 40.0
	SESE 40.0	
	S24	
	NENW 34.0	SENE 29.0
	NESW 12.0	
	R35E S07	
	NENE 40.0	NWNE 39.0
	SWNE 39.0	SENE 40.0
	NENW 40.0	LOT 1 (NWNW) 37.0
	LOT 2 (SWNW) 38.0	SENE 40.0
	NESW 40.0	LOT 3 (NWSW) 39.0
	LOT 4 (SWSW) 39.0	SESW 40.0
	NESE 39.0	NWSE 39.0
	SWSE 35.0	SESE 38.0
	S18	
	NENW 40.0	LOT 1 (NWNW) 39.0
	LOT 2 (SWNW) 39.0	SENE 40.0
	NESW 40.0	LOT 3 (NWSW) 39.0
	LOT 4 (SWSW) 39.0	SESW 40.0
	NESE 9.0	NWSE 39.0
	SWSE 40.0	SESE 9.0
	S19	
	NENE 9.0	NWNE 40.0
	SWNE 40.0	SENE 9.0



1935.0 Acres Total

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1935 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00014, 32-00015,
32-00016

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 32-00014, 32-00015, 32-00016 PURSUANT TO SECTION 42-1426,
IDAHO CODE.

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 32-11219

On March 07, 2003, 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 March 07, 2003.



JANET CONNELL
Deputy Clerk

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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)

CERTIFICATE OF MAILING

Case No. 39576)

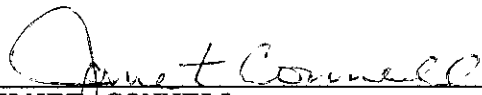
Water Right(s): 32-11219

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 March 07, 2003, with sufficient first-class postage prepaid to the following:

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

WAHOO & BHA INC
Represented by:
RAY W. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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03/07/03