

MAY - 7 2003

2003 MAY -6 PM 4:42

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED CE

In Re SRBA)
)
Case No. 39576)
)
)
)
_____) **SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

)
)
)
)
_____) **FOR WATER RIGHT 31-07054D and
31-10515**

I. FINDINGS OF FACT

Claims were filed for the above listed water rights 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 recommendations for the elements of these water rights.

No objections were filed for water rights 31-07054D and 31-10515. Water rights 31-07054D and 31-10515, however, are used in combination with water right 31-07054C which was the subject of an *Objection*. A *Notice of Completed Administrative Proceeding* was filed on March 28, 2003, disallowing 31-07054C and splitting that right into assigned water right numbers 31-11786 and 31-11787. Therefore, these overlapping rights to which no objections were filed may now be recommended.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: May 6, 2003.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

Water Right 31-07054D

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TWIN FALLS CO., IDAHO
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Department of Water Resources

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May-06-2003

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 31-10515

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *jk*

NAME AND ADDRESS:

LEE BURTONSHAW
LORI BURTONSHAW
PO BOX 86
TERRETON, ID 83450

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Department of Water Resources

SOURCE:

GROUND WATER

QUANTITY:

0.33 CFS

USE OF THIS RIGHT WITH RIGHT NO. 31-07054D IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.20 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 798 AF.***

PRIORITY DATE:

10/15/1980

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:

T05N R35E S17

SWSNW

Within Jefferson County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.33 CFS

PLACE OF USE:

Irrigation

T05N R35E S17

NENE 40.0
SWNE 40.0
NENW 40.0

Within Jefferson County

NWNE 40.0
SENE 34.0
SENE 34.0

228.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 31-07054D IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 228 ACRES IN A SINGLE
IRRIGATION SEASON.***

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-07054D
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).

RECOMMENDATION

MAY - 6 2003

Stephanie Silger
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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

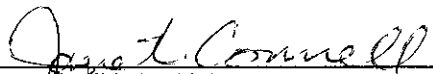
Water Right(s): 31-07054D
31-10515

On May 06, 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 May 06, 2003.


JANET CONNELL
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s) : 31-07054D
31-10515

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 May 06, 2003, with sufficient first-class postage prepaid to
the following:

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

LEE BURTENSHAW
LORI BURTENSHAW
PO BOX 86
TERRETON, ID 83450
Phone: 208-663-4928


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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05/06/03