

2003 FEB 21 PM 3:36

TWIN FALLS DISTRICT COURT, IDAHO
FILED

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
	)	
	)	FOR WATER RIGHTS: 37-20738,
	)	37-20850 AND 37-20851

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-20738 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.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-20738 into assigned split right numbers 37-20850 and 37-20851. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 37-20738 to accommodate the division of the right. Quantity was changed from .42 to .40 cfs for 37-20850 and .02 cfs for 37-20851 to reflect the portion of the quantity of water which each split retains. The new quantities, .40 cfs and .02 cfs total .42 which was the original quantity.

The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-20738 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-20850 and 37-20851 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: February 21, 2003.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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FILED *QC* **IDAHO**

Agatha Meyer
SPEC. MAR. 22

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

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 37-20851

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FILED 4

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS
6.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20849 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.42 CFS.

PRIORITY DATE: 03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1944, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE.
THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION: T07S R19E S03 SESENE Within Lincoln County
NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS 6.40 AFY

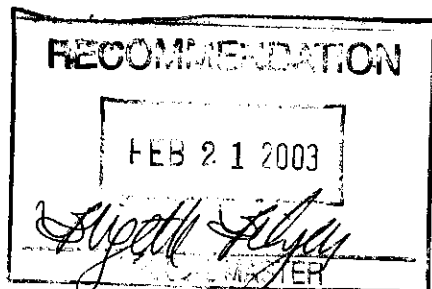
PLACE OF USE: Irrigation Within Lincoln County
T07S R19E S03 SWSE 30.0
30.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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. 37-20849
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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FILED
JANET CONNELL, IDAHO

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-20738
37-20850 37-20851

On February 21, 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 February 21, 2003.



JANET CONNELL
Deputy Clerk

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FILED
TWIN FALLS CO., IDAHO

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): 37-20738
37-20850 37-20851

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 21, 2003, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
DAVID J. BARBER
STATEHOUSE RM 210
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

FAULKNER LAND & LIVESTOCK CO
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

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UNITED STATES OF AMERICA
UNITED STATES OF AMERICA BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFF L WEBER
KERI JO WEBER
950 E 570 S
DIETRICH, ID 83324
Phone: 208-544-2857



JANET CONNELL
Deputy Clerk