

2003 JUN 17 PM 3: 55

DISTRICT COURT - SRBA
TWIN FALLS CO., 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	) Subcase 36-07041
	) (Young & Young Partnership)
Case No. 39576	)
	) SPECIAL MASTER REPORT
	) and
	) ORDER GRANTING JOINT MOTION
	) TO DISMISS OBJECTIONS

Findings of Fact

On January 18, 1989, Rosemary Haley filed a *Notice of Claim to a Water Right* under 36-07041 claiming 4.4 cfs from groundwater to irrigate 282 acres in Minidoka County from March 15 to November 15 with a priority date of October 15, 1968, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended the claim as filed, but to the Estate of Rosemary Haley for irrigation of 282 acres in a 372 acre place of use from April 1 to October 31.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on April 30, 1993, objecting to quantity, place of use and consumptive use. On April 7, 1994, the Special Master entered an *Order Granting Motions to File Late Objections* in subcases 36-07041 and 36-11340.

IDWR filed a *Notice of Completed Administrative Proceedings* on October 17, 1997, for substitution of party from the Estate of Rosemary Haley to Steven, Maria, Roy and Cherlyn Young. On January 27, 2003, the USDI/BLM and Young & Young Partnership filed a *Stipulation to Resolve United States' Objections and Joint Motion to Dismiss Objections* in subcases 36-02653C, 36-02653D, 36-07041 and 36-11340. IDWR filed another *NCAP* on May 5, 2003, for I.C. § 42-222 transfer #66087 and recommending 36-07041 to Young and Young

Partnership, P.O. Box 707, Rupert, Idaho, 83350, for irrigation of 8,644 acres. No one objected to IDWR's amended recommendation.

Order

THEREFORE, IT IS ORDERED that the *Joint Motion to Dismiss Objections* is **granted**.

Conclusions of Law

Young & Young Partnership is entitled to a partial decree adjudicating a water right under claim 36-07041 as described in the May 5, 2003 *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-07041*.

DATED June 17, 2003.



TERRENCE A. DOLAN
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 36-07041

2003 JUN 17 PM 3:55

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: YOUNG & YOUNG PARTNERSHIP
PO BOX 707
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.40 CFS
1128.00 AFY

PRIORITY DATE: 10/15/1968

POINT OF DIVERSION: T06S R23E S26 SWNENW Within Minidoka County
SWNENW
SWNESW
SWNESW
S32 SWSWSE Within Lincoln County
SWSWSE
S33 NWNWNE
NWNWNE
NESESW
NESESW
R24E S31 SWNENE Within Minidoka County
SWNENE
LOT 7 (SENESEW)
LOT 7 (SENESEW)
S32 SESENE
SESENE
NWNWSW
S33 NESWNW
SWSWSE
T07S R23E S01 NENESW
S03 LOT 3 (NENENW)
S11 SESENEW
SENESEW
NESWSE
S12 SWSENE
NWSWNE
NWSWSE
S13 NESWNE
NESWNW
S14 NESWNE
SENESEW
S24 NENENE
NESWSE
R24E S04 NWNENE
S06 NENESE
S07 SWNWNW
S11 NWSWNW
S16 NENWSW
S20 SESENE
S21 SWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.40 CFS 1128.00 AFY

PLACE OF USE: Irrigation Within Minidoka County

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

PLACE OF USE (continued)

T06S R23E S26	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENW 33.0
	NESW 33.0	NWSW 33.0
	SWSW 33.0	SESW 33.0
S32	NESW 30.5	NWSW 30.5
	SWSW 30.5	SESW 30.5
	NESE 30.5	NWSE 30.5
	SWSE 30.5	SESE 30.5
S33	NENE 32.5	NWNE 32.5
	SWNE 32.5	SENE 32.5
	NENW 32.5	NWNW 32.5
	SWNW 32.5	SENW 32.5
	NESW 32.5	NWSW 32.5
	SWSW 32.5	SESW 32.5
	NESE 32.5	NWSE 32.5
	SWSE 32.5	SESE 32.5
S36	SESW 7.0	SWSE 20.0
	SESE 9.0	
R24E S28	NWSW 33.0	SWSW 38.0
	SESW 39.0	
S29	SESE 35.0	
S30	SWSE 15.0	SESE 30.0
S31	NENE 39.0	NWNE 40.0
	SWNE 35.0	SENE 29.0
LOT 1	(NENW) 8.0	LOT 5 (SWNW) 29.0
LOT 6	(SENW) 15.0	LOT 7 (NESW) 38.0
LOT 8	(NWSW) 55.0	LOT 10 (SWSW) 49.0
LOT 12	(SESW) 34.0	NESE 37.0
	NWSE 40.0	SWSE 37.0
	SESE 29.0	
S32	NENE 33.0	NWNE 33.0
	SWNE 39.0	SENE 38.0
	NENW 33.0	NWNW 33.0
	SWNW 38.0	SENW 39.0
	NESW 39.0	NWSW 38.0
	SWSW 33.0	SESW 33.0
	NESE 38.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S33	NENW 39.0	NWNW 38.0
	SWNW 39.0	SENW 39.0
	NESW 39.0	NWSW 38.0
	SWSW 20.0	SESW 33.0
T07S R23E S01 LOT 1	(NENE) 18.0	LOT 2 (NWNE) 18.0
	SWNE 39.0	SENE 39.0
LOT 3	(NENW) 18.0	LOT 4 (NWNW) 18.0
	SWNW 39.0	SENW 39.0
	NESW 36.0	NWSW 36.0
	SWSW 33.0	SESW 33.0
	NESE 36.0	NWSE 36.0
	SWSE 33.0	SESE 33.0
S02 LOT 1	(NENE) 18.0	LOT 2 (NWNE) 18.0
	SWNE 37.0	SENE 37.0
LOT 3	(NENW) 18.0	LOT 4 (NWNW) 18.0
	SWNW 37.0	SENW 37.0
	NESW 27.0	NWSW 27.0
	SWSW 39.0	SESW 39.0
	NESE 31.0	NWSE 22.0
	SWSE 21.0	SESE 36.0
S03 LOT 1	(NENE) 18.0	LOT 2 (NWNE) 18.0
	SWNE 37.0	SENE 37.0
LOT 3	(NENW) 18.0	LOT 4 (NWNW) 18.0
	SWNW 37.0	SENW 37.0
	NESW 10.0	NWSW 10.0
	NESE 27.0	NWSE 27.0

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

PLACE OF USE (continued)

		SWSE 39.0		SESE 39.0
S10		NENE 9.0		NWNE 9.0
S11		NENE 32.5		NWNE 32.5
		SWNE 32.5		SENE 32.5
		NENW 9.0		NWNW 9.0
		NESW 32.5		NWSW 32.5
		SWSW 32.5		SESW 32.5
		NESE 32.5		NWSE 32.5
		SWSE 32.5		SESE 32.5
S12		NENE 33.0		NWNE 33.0
		SWNE 33.0		SENE 33.0
		NENW 33.0		NWNW 33.0
		SWNW 33.0		SENE 33.0
		NESW 33.0		NWSW 33.0
		SWSW 39.0		SESW 39.0
		NESE 33.0		NWSE 33.0
		SWSE 39.0		SESE 33.0
S13		NENE 33.0		NWNE 39.0
		SWNE 33.0		SENE 33.0
		NENW 39.0		NWNW 38.0
		SWNW 33.0		SENE 33.0
		NESW 38.0		NWSW 38.0
		SWSW 33.0		SESW 39.0
		NESE 33.0		NWSE 38.0
		SWSE 38.0		SESE 35.0
S14		NENE 32.5		NWNE 15.0
		SENE 32.5		NESW 35.0
		NWSW 28.0		SWSW 1.0
		SESW 9.0		NESE 36.0
		NWSE 31.0		SWSE 14.0
		SESE 25.0		
S24		NENE 36.0		NWNE 17.0
		SWNE 28.0		SENE 17.0
		NENW 15.0		NWNW 1.0
		SWNW 36.0		SENE 36.0
		NESW 39.0		NWSW 32.0
		SWSW 37.0		SESW 37.0
		NESE 36.0		NWSE 39.0
		SWSE 35.0		SESE 32.0
R24E S02 LOT 1	(NENE) 9.0	LOT 2	(NWNE) 9.0	
	SWNE 33.0		SENE 33.0	
S04 LOT 1	(NENE) 20.0	LOT 2	(NWNE) 20.0	
	SWNE 39.0		SENE 33.0	
LOT 3	(NENW) 20.0	LOT 4	(NWNW) 20.0	
	SWNW 33.0		SENE 39.0	
	NESE 33.0		NWSE 39.0	
	SWSE 33.0		SESE 33.0	
S06 LOT 1	(NENE) 18.0	LOT 2	(NWNE) 18.0	
	SWNE 39.0		SENE 39.0	
	NESE 36.0		NWSE 36.0	
	SWSE 33.0		SESE 33.0	
S07	NENE 33.0		NWNE 33.0	
	SWNE 33.0		SENE 33.0	
	NENW 33.0		SENE 33.0	
S11	NENW 33.0		NWNW 33.0	
	SWNW 25.0		SENE 39.0	
	NESW 39.0		NWSW 33.0	
	SWSW 33.0		SESW 33.0	
S16	NENE 33.0		NWNE 33.0	
	SWNE 39.0		SENE 33.0	
	NENW 33.0		NWNW 33.0	
	SWNW 33.0		SENE 39.0	
	NESW 39.0		NWSW 32.0	
	SWSW 32.0		SESW 33.0	

PLACE OF USE (continued)

	NESE 33.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S20	NENE 33.0	NWNE 38.0
	SWNE 36.0	SENE 33.0
	NENW 38.0	NWNW 33.0
	SWNW 33.0	SENW 38.0
	NESW 29.0	NWSW 8.0
	NESE 39.0	NWSE 39.0
	SWSE 2.0	SESE 5.0
S21	NENE 33.0	NWNE 38.0
	SWNE 39.0	SENE 33.0
	NENW 38.0	NWNW 33.0
	SWNW 33.0	SENW 39.0

8644.0 Acres Total

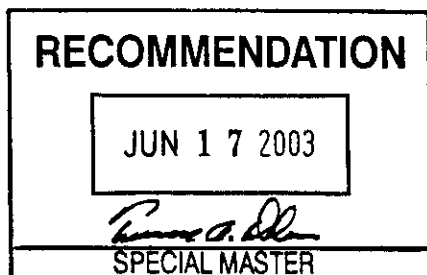
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE USE AND ADMINISTRATION OF THIS WATER RIGHT IS SUBJECT TO THE CONDITIONS OF APPROVAL FOUND IN ADMINISTRATIVE TRANSFER NO 66087, APPROVED ON MAY 14, 2002, AND FILED IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

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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DISTRICT COURT OF SRBA
TWIN FALLS CO., 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-07041

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 June 17, 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:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

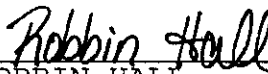
USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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YOUNG & YOUNG PARTNERSHIP
PO BOX 707
RUPERT, ID 83350

STEVEN D YOUNG
RT 3 BOX 3263
RUPERT, ID 83350
Phone: 208-523-4405



ROBBIN HALL
Deputy Clerk

2003 JUN 17 PM 3:55

SRBA
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

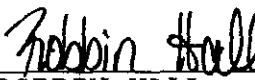
Water Right(s): 36-07041

On June 17, 2003, Special Master TERRENCE A. DOLAN 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 June 17, 2003.



ROBBIN HALL
Deputy Clerk