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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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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

In Re SRBA Case No. 39576	)	**SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	)	**WATER RIGHT NOS.: EXHIBIT A**

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 these water rights, however, these water rights are used in combination with water right numbers 31-7368C, 31-07605, 31-07607, 31-07608, 31-07613, 31-07616, and 31-07635A which are the subject of *Objections*. The parties and IDWR have indicated that these uncontested overlapping water rights will not be substantively affected by the pending transfers on the contested water rights. Therefore, there is no reason to hold off issuing ***Master's Reports and Recommendations*** for these particular subcases.

A. LANGUAGE IN DIRECTOR'S REPORTS

The *Director's Reports* for these claims contain language describing a rolling five-year volume limitation and language describing an early and late irrigation season. Similar language was previously explained by IDWR in a *Substituted Supplemental Director's Report* filed in subcases 31-7605, 31-7607, 31-7608, 31-7613 and 31-7616. *See*, ***Amended Special Master's Report and Recommendation*** (subcase 31-7052C (June 27, 2002))

B. ROLLING FIVE-YEAR PERIOD

The *Substituted Supplemental Director's Report* states that the rolling five-year period limitation resulted from administrative action by IDWR following a complex series of applications

for new water rights, transfers, and amendments to transfers. During IDWR's administrative proceedings, settlement negotiations between the claimant and administrative protestants resulted in a volume limitation that is further limited to a certain average over a rolling five-year period. For example, the *Substituted Supplemental Director's Report* explains that this language means that IDWR totals the pumped volumes for the previous four years and subtracts that quantity from the acre feet per year limitation to arrive at the maximum allowable pumpage over a five-year period. The remaining quantity is the maximum annual amount that can be pumped in that year and not violate the constraint on the average pumpage over any five-year period. *Substituted Supplemental Director's Report* at 5. This Special Master concludes that the volume limitation should be included in the partial decrees for these water rights.

C. EARLY AND LATE SEASON IRRIGATION

These water rights were previously licensed by IDWR. As with many licensed water rights, these rights have an irrigation season of use that is shorter than the standard irrigation seasons IDWR recommended in the surrounding area. Therefore, the *Director's Report* recommends an additional early and late season of use consistent with the standard season of use in the area. The language regarding early and late season irrigation is included to describe the extended season and to provide protection to existing water rights. This Special Master concludes that the early and late season irrigation language should be included in the partial decrees.

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: July 11, 2003.

BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

31-07214B
31-07214D
31-07368A
31-07369C
31-07369E
31-07369F
31-07606
31-07609
31-07610A
31-07611
31-07612A
31-07614
31-07615A
31-07617
31-07618A
31-07619
31-07620A
31-07621A
31-07622A
31-07623
31-07624
31-07625
31-07626
31-07627A
31-07628
31-07629
31-07630
31-07631
31-07632

(Subcase list: 31BLOVRLAP)
7/09/03

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
BY _____

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): 31-07214B (SEE ATTACHED EXHIBIT A)

On July 11, 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 July 11, 2003.

Janet Connell

JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

31-07214B
31-07214D
31-07368A
31-07369C
31-07369E
31-07369F
31-07606
31-07609
31-07610A
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31-07618A
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31-07620A
31-07621A
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DISTRICT COURT-SRBA
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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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 31-07214B
	(SEE ATTACHED EXHIBIT A)

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 July 11, 2003, with sufficient first-class postage prepaid to the following:

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

BLAINE L LARSEN
CONNIE LARSEN
PO BOX 188
HAMER, ID 83425-0188
Phone: 208-662-5501

JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

31-07214B
31-07214D
31-07368A
31-07369C
31-07369E
31-07369F
31-07606
31-07609
31-07610A
31-07611
31-07612A
31-07614
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31-07619
31-07620A
31-07621A
31-07622A
31-07623
31-07624
31-07625
31-07626
31-07627A
31-07628
31-07629
31-07630
31-07631
31-07632

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 31-07614

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BLAINE L LARSEN
CONNIE LARSEN
PO BOX 188
HAMER, ID 83425-0188

SOURCE: GROUND WATER

QUANTITY: 1.55 CFS
425.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.06 CFS. COMBINED RIGHT NOS.: 31-07617, 31-07614
USE OF 31-07614 AND 31-07617 IS LIMITED TO A FIVE YEAR AVERAGE ANNUAL DIVERSION VOLUME OF 425 AF.^^^ THE COMBINED DIVERSION VOLUME OF THE RIGHTS LISTED BELOW SHALL NOT EXCEED 7329.1 AF/YEAR WHEN AVERAGED OVER A ROLLING FIVE YEAR PERIOD. COMBINED RIGHTS: 31-7052C,31-07052N,31-07052P,31-07214B, 31-07214D, 31-07368A, 31-07368C, 31-07369E, 31-07369C,31-07369F, 31-07439B,31-07605,31-07606,31-07607,31-07608,31-07609,31-07610A, 31-07614,31-07615A,31-07616,31-07617, 31-07618A,31-07619,31-07620A,31-07621A,31-07622A,31-07623,31-07627A,31-07628,31-07629,31-07630,31-07631, 31-07632,31-07633,31-07634,31-07635A,31-07636,31-07637,31-07638A.

PRIORITY DATE: 06/01/1987

POINT OF DIVERSION: T10N R36E S33 NWSE Within Clark County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-15	1.55 CFS 425.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.^^^

PLACE OF USE:

Irrigation		Within Clark County
T10N R36E S33	SENE 23.7	NESE 40.0
	SESE 28.0	
S34	SENW 23.0	NWSW 40.0
	SWSW 27.0	
181.7 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 181.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-07614, 31-07617

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

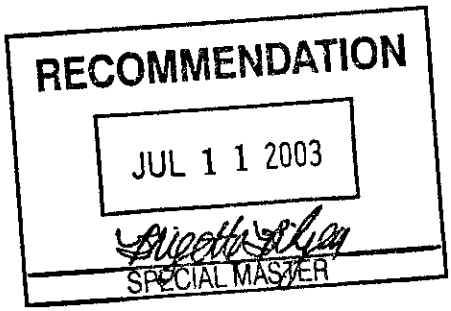
THE RIGHT HOLDER SHALL PROVIDE AN ANNUAL SUMMARY OF PUMPING VOLUMES TO THE DEPARTMENT AS PUBLIC RECORD.^^^
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

OTHER PROVISIONS (continued)

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