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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 26

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: 37-02645,
	)	37-20840 AND 37-20841

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-02645 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.

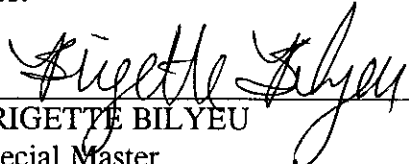
All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-02645 into assigned split right numbers 37-20840 and 37-20841. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

The elements of these water rights as stipulated to in the *Standard Forms 5* differ from the original *Directors Report* for 37-02645 to accommodate the division of the right. Quantity was changed from 4.260 to 4.020 cfs for 37-20840 and .240 cfs for 37-20841 to reflect the portion of the quantity of water which each split retains. The new quantities, 4.020 cfs and .240 cfs total 4.260 which was the original quantity. The place of use described as T06S R17E S30 SESE was similarly split from the original claimed amount of 21.0 acres to 8.8 for 37-20840 and 12.2 for 37-20841.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-02645 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-20840 and 37-20841 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: September 10, 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 37-20840

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: NOTCH BUTTE FARMS LLC
PO BOX 486
JEROME, ID 83338

SOURCE: GROUND WATER

QUANTITY: 4.02 CFS
727.30 AFY

PRIORITY DATE: 11/29/1960

POINT OF DIVERSION: T06S R17E S31 LOT 2 (NESWNW) Within Lincoln County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.02 CFS 727.30 AFY

PLACE OF USE:	Irrigation	Within Lincoln County
	T06S R17E S30 LOT 4 (SWSW) 1.1	SESW 24.0
		SWSE 36.0
		SESE 8.8
	S31 NENE 40.0	NWNE 40.0
	NENW 40.0	LOT 1 (NWNW) 18.0
	207.9 Acres Total	

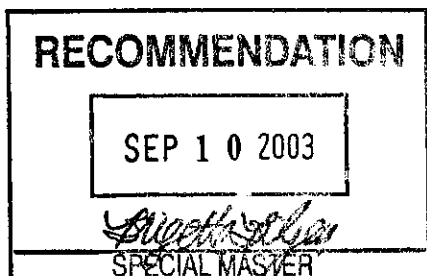
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-20841

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.24 CFS
42.70 AFY

PRIORITY DATE: 11/29/1960

POINT OF DIVERSION: T06S R17E S31 LOT 2 (NESWNW) Within Lincoln County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.24 CFS
			42.70 AFY

PLACE OF USE: Irrigation Within Lincoln County
T06S R17E S30 SESE 12.2
12.2 Acres Total

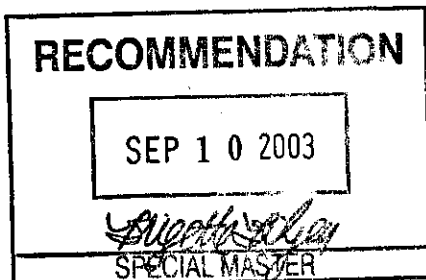
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Presiding Judge of the
Snake River Basin Adjudication



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TWIN FALLS CO., IDAHO
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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

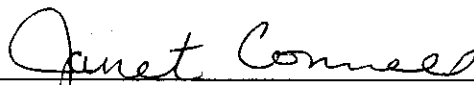
Water Right(s): 37-02645
37-20840 37-20841

On September 10, 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 September 10, 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-02645
37-20840 37-20841

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 September 10, 2003, with sufficient first-class postage prepaid to the following:

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

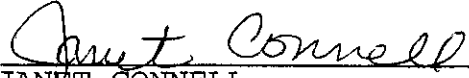
GWENDOLYN DAVIS
WILLIAM ERNEST DAVIS
Represented by:
JOHN T LEZAMIZ
PO BOX 389
TWIN FALLS, ID 83303-0389
Phone: 208-734-7510

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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09/10/03

NOTCH BUTTE FARMS LLC
PO BOX 486
JEROME, ID 83338



JANET CONNELL
Deputy Clerk