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Department of Water Resources

2003 OCT 16 AM 11:45
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 36-15987
Case No. 39576) (Bullers)
)
) ORDER VACATING INITIAL HEARING
) and
) SPECIAL MASTER REPORT

Findings of Fact

On November 16, 2001, Richard Bullers, 1482 Hunt Road, Jerome, Idaho, 83338, filed a *Motion to File Late Notice of Claim* under claim number 36-15960 for .04 cfs from groundwater for year-'round domestic and stockwater uses in Jerome County with a priority date of December 31, 1942, based on beneficial use: "Well was originally drilled to use at the Hunt Camp." On February 21, 2002, the Presiding Judge of the SRBA entered an *Order Granting Motion to File Late Notice of Claim*.

When IDWR received the late claim, it was assigned claim number 36-15987 and IDWR filed a *Director's Report* for 36-15987 on February 18, 2003. The Director recommended the claim as filed.¹ On April 21, 2003, the United States of America, Department of Interior, Bureau of Reclamation filed an *Objection* to place of use stating: "There needs to be a remark in the partial decree that says: Place of use is more specifically described as Tract E."

On October 16, 2003, Mr. Bullers and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to all the elements of the water right with the remark: "The place of use is located within Tract E of the American Falls Reservoir District No. 2, Minidoka Project."

¹ On June 3, 2003, IDWR advised the SRBA Court that no Director's report will be filed under claim number 36-15960 and suggested that subcase 36-15960 be closed.

Conclusions of Law

Richard Bullers is entitled to a partial decree adjudicating a water right as described in the SF-5 and the attached *Special Master Recommendation for Partial Decree for Water Right 36-15987*.

Order

THEREFORE, IT IS ORDERED, that the initial hearing scheduled for October 30, 2003, is vacated.

DATED October 16, 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 36-15987

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: RICHARD BULLERS
1482 HUNT RD
JEROME, ID 83338

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1942

POINT OF DIVERSION: T08S R19E S33 SENWSE Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Jerome County
	T08S R19E S33	NWSE	SWSE
	Domestic		Within Jerome County
	T08S R19E S33	NWSE	SWSE

THE PLACE OF USE IS LOCATED WITHIN TRACT E OF THE AMERICAN FALLS
RESERVOIR DISTRICT NO. 2, MINIDOKA PROJECT

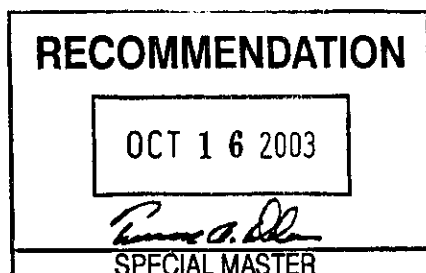
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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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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): 36-15987

On October 16, 2003, Special Master HON. ROGER S. BURDICK 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 October 16, 2003.



ROBBIN HALL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 36-15987

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 October 16, 2003, with sufficient first-class postage prepaid to the following:

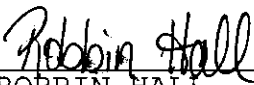
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BUREAU OF RECLAMATION

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

RICHARD BULLERS
1482 HUNT RD
JEROME, ID 83338
Phone: 208-825-5949

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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10/16/03