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Department of Water Resources

2003 DEC -2 PM 2:02

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 36-15506

) (Pincock, Hunt and H&P Farms)

Case No. 39576

)

) SPECIAL MASTER REPORT

Findings of Fact

On February 18, 1997, H&P Farms was granted leave to file a late *Notice of Claim to a Water Right* for 2.78 cfs from groundwater for irrigation in Jerome County from April 1 to October 31 with a priority date of April 15, 1961, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims & Misc. Claims* on March 4, 2002, recommending the claim be disallowed: "No lawful appropriation shown."

H&P Farms filed an *Objection* on May 3, 2002, objecting to the water right not being recommended as claimed. On November 26, 2003, H&P Farms, with IDWR's concurrence, filed a *Standard Form 5* agreeing to the water right being decreed to Bruce Pincock, Jeff Hunt and H&P Farms, 380 South, 1150 West, Heyburn, Idaho, 83336, for 2.53 cfs from groundwater to irrigate 185 acres in Jerome County from March 15 to November 15.

Conclusions of Law

Bruce Pincock, Jeff Hunt and H&P Farms are entitled to a partial decree adjudicating a water right under claim 36-15506 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-15506*.

DATED December 2, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-15506

2003 DEC -2 PM 2:01

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: BRUCE PINCOCK
H & P FARMS
JEFF HUNT
380 S 1150 W
HEYBURN, ID 83336

SOURCE: GROUNDWATER

QUANTITY: 2.53 CFS
740.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-2321 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.88 CFS AND TO A TOAL COMBINED
ANNUAL DIVERSION VOLUME OF 1893 AF.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 17.21 CFS. COMBINED RIGHT NOS.: 36-2321,
36-2349, 36-2573, 36-2578, 36-2589 & 36-15506.

PRIORITY DATE: 04/15/1961

POINT OF DIVERSION: T09S R20E S13 SENENE Within Jerome County
NWSWNW
R21E S07 SESENW
SESWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.53 CFS 740.00 AFY

PLACE OF USE: Irrigation Within Jerome County

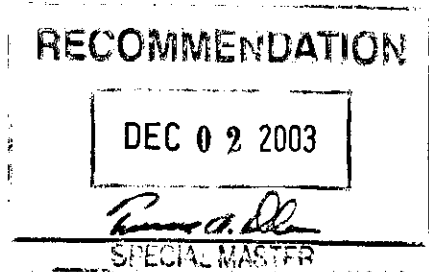
T09S R20E S13 LOT 1	(NESW)37.0	LOT 2	(NWSW)16.0
LOT 6	(NESE)19.0	LOT 5	(NWSE)30.0
S14	NWNE 38.0	LOT 3	(SWNE)14.0
LOT 4	(SENE)31.0		
185.0 Acres Total			

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.



John M. Melanson
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-15506

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 December 02, 2003, with sufficient first-class postage prepaid to the following:

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

H & P FARMS
H & P FARMS, A PARTNERSHIP
Represented by:
W. KENT FLETCHER
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250

BRUCE PINCOCK
JEFF HUNT
380 S 1150 W
HEYBURN, ID 83336

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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12/02/03

2003 DEC -2 PM 2:01

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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

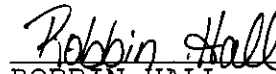
Water Right(s): 36-15506

On December 02, 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 December 02, 2003.



ROBBIN HALL
Deputy Clerk