

2004 JAN 22 PM 1: 21

FILED
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 31-07633,
	)	31-11801, and 31-11802

I. FINDINGS OF FACT

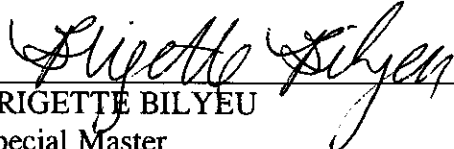
A claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

No objections were filed for water right 31-07633. Water right 31-07633, however, is used in combination with water right 31-07368C which was the subject of an *Objection*. A *Notice of Completed Administrative Proceeding* was filed on November 18, 2003, disallowing 31-07633 and splitting this right into assigned water right numbers 31-11801 and 31-11802. The *Objection* to 31-07368C was resolved. There are no unresolved objections remaining in subcase 31-07368C.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 31-07633 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 31-11801 and 31-11802 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: January 22 2004.



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

27th JAN 22 PM 1:21

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 31-11801

FILED
TWIN FALLS CO., IDAHO

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

SOURCE: GROUND WATER

QUANTITY: 0.13 CFS
19.80 AFY

Rights 31-11799, 31-11801 and 31-11803 when combined shall not exceed a five year average annual diversion volume of 24 af. The combined use of rights listed below shall not exceed 7270.6 AF per year when averaged over a rolling five year period. Combined right Nos.: 31-07052C, 31-07052N, 31-07052P, 31-07214B, 31-11791, 31-11792, 31-07368A, 31-07358C, 31-07369E, 31-11793, 31-11794, 31-07369F, 31-07439B, 31-07605, 31-07606, 31-07607, 31-07608, 31-07609, 31-07610A, 31-07611, 31-07612A, 31-07613, 31-07614, 31-07615A, 31-07616, 31-07617, 31-07618A, 31-11795, 31-11796, 31-07620A, 31-07621A, 31-07622A, 31-07623, 31-11797, 31-11798, 31-07625, 31-07626, 31-07627A, 31-07628, 31-07629, 31-07630, 31-07631, 31-11799, 31-11800, 31-11801, 31-11802, 31-07634, 31-07635A, 31-11803, 31-11804, 31-07637, and 31-07638A.

PRIORITY DATE: 04/23/1983

POINT OF DIVERSION: T08N R36E S10 SWNENW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.13 CFS 19.80 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: Irrigation Within Jefferson County
T08N R36E S03 SWSE 10.4
10.4 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2004 JAN 22 PM 1:21

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 31-11802

FILED
TWIN FALLS CO., IDAHO

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

SOURCE: GROUND WATER

QUANTITY: 2.20 CFS
336.20 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/23/1983

POINT OF DIVERSION: T08N R36E S10 SWNENW Within Jefferson County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	2.20 CFS 336.20 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:	Irrigation	Within Jefferson County
	T08N R36E S03	SWSW 7.1 SWSE 1.6 SESW 15.5
	S10	NWNE 19.8 NENW 38.8 SWNE 10.5 NWNW 34.0 SWNW 22.0 SENW 34.8
	184.1 Acres Total	

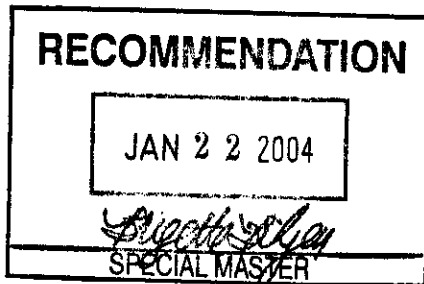
This right is limited to the irrigation of 143.6 acres within the place of use described above in a single irrigation season.

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

2004 JAN 22 PM 1:21

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

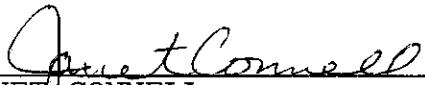
Water Right(s): 31-07633
31-11801 31-11802

On January 22, 2004, 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 January 22, 2004.



JANET CONNELL
Deputy Clerk

2004 JAN 22 PM 1:21

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 31-07633
31-11801 31-11802

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 January 22, 2004, with sufficient first-class postage prepaid to the following:

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

BLAINE L & CONNIE L LARSEN
BLAINE L LARSEN
CONNIE LARSEN
PO BOX 188
HAMER, ID 83425-0188



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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01/22/04