

2004 MAR 29 PM 3 02

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: 33-00052, |
|                |   | 33-02101A and 33-02101B     |

I. FINDINGS OF FACT

A notice of claim was filed for these 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 a recommendation for the elements of these water rights.

An *Objection* was filed by Vance Hawley, Sunny Hawley and the Estate of Venice Hawley on April 27, 2001. A *Notice of Completed Administrative Proceeding* was filed on February 9, 2004. The NCAP resolved the objection. There are no unresolved objections remaining in these subcases.

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 Recommendation for Partial Decree*.

DATED: March 29, 2004.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

2004 MAR 29 PM 3 02

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 33-00052

NAME AND ADDRESS: SUNNY ANN HAWLEY  
VANCE L HAWLEY  
HC 65 BOX 1069  
HOWE, ID 83244

ESTATE OF L R & VANCE HAWLEY  
578 E 4900 S  
IDAHO FALLS, ID 83404

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.80 CFS

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when  
combined shall not exceed a total diversion rate of 21.86 cfs.  
The total instantaneous diversion of water from all points of  
diversion under Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56,  
33-57, 33-58, 33-59, 33-60, 33-10995 and 33-10996 shall not  
exceed 13.60 cfs.

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T06N R28E S11 SESENW Within Butte County  
S14 NENENE  
S24 SWSENE

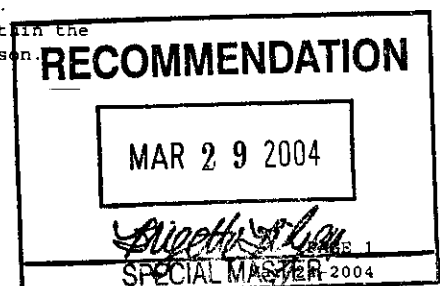
PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-01 TO 11-01 2.80 CFS

PLACE OF USE: Irrigation Within Butte County  
T06N R28E S13 SWNW 30.0 SENW 40.0  
NESW 39.0 NWSW 27.0  
SWSW 39.0 SESW 32.0  
NWSE 40.0 SWSE 30.0  
SESE 36.0  
S14 SENE 38.0 NESE 38.0  
S24 NENE 34.0 NWNE 23.0  
SWNE 39.0 SENE 26.0  
NENW 39.0 NWNW 34.3  
SESW 28.0 SESW 35.0  
NESE 29.0 NWSE 40.0  
SWSE 40.0 SESE 34.0  
S25 NENE 32.0 NWNE 40.0  
862.3 Acres Total

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-2101A and 33-2101B when combined shall not  
exceed the irrigation of 650.9 acres.  
Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when  
combined shall not exceed the irrigation of 862.3 acres.  
This right is limited to the irrigation of 140 acres within the  
place of use described above in a single irrigation season.

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 33-00052 File Number: 00152



OTHER PROVISIONS (continued)

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

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  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 33-02101A

2004 MAR 29 PM 3 02

NAME AND ADDRESS: SUNNY ANN HAWLEY  
VANCE L HAWLEY  
HC 65 BOX 1069  
HOWE, ID 83244  
  
ESTATE OF L R & VANCE HAWLEY  
578 E 4900 S  
IDAHO FALLS, ID 83404

SOURCE: GROUNDWATER

QUANTITY: 3.58 CFS  
770.00 APY

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when  
combined shall not exceed a total diversion rate of 21.86 cfs.  
The total instantaneous diversion of water from all points of  
diversion under Rights 33-2101A and 33-2101B shall not exceed  
8.26 cfs nor a total combined annual volume of 1774.5 af.

PRIORITY DATE: 07/12/1961

POINT OF DIVERSION: T06N R28E S14 NWSENE Within Butte County  
SWSENE  
SWNESE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 3.58 CFS<br>770.00 APY |

| PLACE OF USE:     | Irrigation                                                                              | Within Butte County                                                                     |
|-------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| T06N R28E S13     | SWNW 30.0<br>NESW 39.0<br>SWSW 39.0<br>NWSE 40.0<br>SESE 36.0                           | SENW 40.0<br>NWSW 27.0<br>SESW 32.0<br>SWSE 30.0                                        |
| S14               | SENE 38.0                                                                               | NESE 38.0                                                                               |
| S24               | NENE 34.0<br>SWNE 39.0<br>NENW 39.0<br>SENW 28.0<br>NESE 29.0<br>SWSE 40.0<br>NENE 32.0 | NWNE 23.0<br>SENE 26.0<br>NWNW 34.3<br>SESW 35.0<br>NWSE 40.0<br>SESE 34.0<br>NWNE 40.0 |
| S25               |                                                                                         |                                                                                         |
| 862.3 Acres Total |                                                                                         |                                                                                         |

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-2101A and 33-2101B when combined shall not  
exceed the irrigation of 650.9 acres.  
Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when  
combined shall not exceed the irrigation of 862.3 acres.  
This right is limited to the irrigation of 220 acres within the  
place of use described above in a single irrigation season.

RECOMMENDATION

MAR 29 2004

*Augusta J. Lay*  
SPECIAL MASTER

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MAR 24 2004

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

Water Right 33-02101B

FILED

2004 MAR 29 PM 3 02

ESTATE OF L R & VANCE HAWLEY  
578 E 4900 S  
IDAHO FALLS, ID 83404

SOURCE: GROUNDWATER

QUANTITY: 4.68 CFS  
1004.50 AFY

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed a total diversion rate of 21.86 cfs. The total instantaneous diversion of water from all points of diversion under Rights 33-2101A and 33-2101B shall not exceed 8.26 cfs, nor a total combined annual volume of 1774.5 af.

PRIORITY DATE: 07/12/1961

POINT OF DIVERSION: T06N R28E S14 NWSENE Within Butte County  
SWSENE  
SWNESE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|----------------------------|----------------|----------------|-------------|
|                            | Irrigation     | 04-01 TO 10-31 | 4.68 CFS    |
|                            |                |                | 1004.50 AFY |

| PLACE OF USE:     | Irrigation | Within Butte County |
|-------------------|------------|---------------------|
| T06N R28E S13     | SWNW 30.0  | SENW 40.0           |
|                   | NESW 39.0  | NWSW 27.0           |
|                   | SWSW 39.0  | SESW 32.0           |
|                   | NWSE 40.0  | SWSE 30.0           |
|                   | SESE 36.0  |                     |
| S14               | SENE 38.0  | NESE 38.0           |
| S24               | NENE 34.0  | NWNE 23.0           |
|                   | SWNE 39.0  | SENE 26.0           |
|                   | NENW 39.0  | NWNW 34.3           |
|                   | SENW 28.0  | SESW 35.0           |
|                   | NESE 29.0  | NWSE 40.0           |
|                   | SWSE 40.0  | SESE 34.0           |
| S25               | NENE 32.0  | NWNE 40.0           |
| 862.3 Acres Total |            |                     |

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 650.9 acres.

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 862.3 acres. This right is limited to the irrigation of 287 acres within the place of use described above in a single irrigation season.

## RECOMMENDATION

MAR 29 2004

*Bucetti Clay*  
SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 33-02101B File Number: 00152

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 29 PM 3 02

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

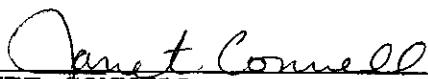
Water Right(s): 33-00052  
33-02101A 33-02101B

On March 29, 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 March 29, 2004.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 29 PM 3 02

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): 33-00052  
33-02101A 33-02101B

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 March 29, 2004, with sufficient first-class postage prepaid to the following:

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

ESTATE OF L R & VANCE HAWLEY  
SUNNY HAWLEY ET AL  
VANCE L HAWLEY

Represented by:  
BLAIR J. GROVER  
215 FARNSWORTH WAY  
PO BOX 36  
RIGBY, ID 83442-0036  
Phone: 208-745-6653

SUNNY ANN HAWLEY  
HC 65 BOX 1069  
HOWE, ID 83244

CERTIFICATE OF MAILING

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JANET CONNELL 03/29/04  
Deputy Clerk