

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

2004 MAR 29 PM 3 03

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 RIGHT: 33-10995

I. FINDINGS OF FACT

A notice of claim was filed for this 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.

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 this subcase.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right 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 OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 33-10995

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: 3.85 CFS

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,
33-59, 33-0, 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: 04/01/1948

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 10-31 3.85 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
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, 33-10995, 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 192.7 acres within
the place of use described above in a single irrigation season.

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

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

RECOMMENDATION

MAR 29 2004

Dianna J. Lee
SPECIAL MASTER 2004

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 33-10995

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

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 33-10995

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

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

SUNNY ANN HAWLEY
VANCE L HAWLEY
HC 65 BOX 1069
HOWE, ID 83244

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 03/29/04
Deputy Clerk