

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2004 JUN 25 PM 3 45

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: 29-7680

I. FINDINGS OF FACT

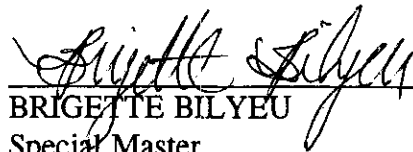
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by David R. Fischel on July 30, 2003. The *Objection* was resolved on June 18, 2004 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, 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: June 25, 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2004 JUN 25 PM 3 45

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-07680

NAME AND ADDRESS: DENNIS V HICKMAN
2364 N APPLE LN
POCATELLO, ID 83204

GEORGE T CRIST
NORENE CRIST
2382 APPLE LN
POCATELLO, ID 83204

LAYNE T NALDER
2388 N MINK CREEK RD
POCATELLO, ID 83240

DAVID R FISCHER
2446 N MINK CREEK RD
POCATELLO, ID 83204

SOURCE: GROUND WATER

QUANTITY: 0.11 CFS
5.90 APY

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.042 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.032 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.028 CFS.
USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED
BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.086
CFS. COMBINED RIGHT NOS.: 29-00276C, 29-00267E, 29-07680,
29-10608.

PRIORITY DATE: 12/09/1982

POINT OF DIVERSION: T07S R35E S20 NWNESE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.03 CFS
			3.50 APY
	Domestic	01-01 TO 12-31	0.10 CFS
			2.40 APY

Domestic use is for 4 homes.

PLACE OF USE: Irrigation Within Bannock County
T07S R35E S20 NESW 1.0
1.0 Acres Total
Domestic Within Bannock County
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE
IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.2 ACRES IN A SINGLE

PLACE OF USE (continued)

IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE IRRIGATION SEASON.

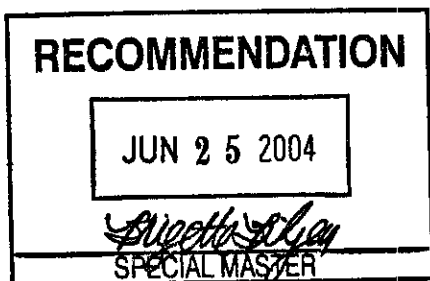
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00276C, 29-00276E, 29-07680, 29-10608.

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

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

2004 JUN 25 PM 3 45

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): 29-07680

On June 25, 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 June 25, 2004.



JANET CONNELL
Deputy Clerk

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

2004 JUN 25 PM 3 45

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 29-07680

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 June 25, 2004, with sufficient first-class postage prepaid to the following:

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

DENNIS V HICKMAN
2364 N APPLE LN
POCATELLO, ID 83204

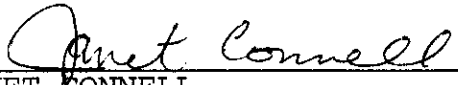
GEORGE T CRIST
NORENE CRIST
2382 APPLE LN
POCATELLO, ID 83204

LAYNE T NALDER
2388 N MINK CREEK RD
POCATELLO, ID 83240

CERTIFICATE OF MAILING

PAGE 1
06/25/04

DAVID R FISCHER
FISCHER, DAVID R
2446 N MINK CREEK RD
POCATELLO, ID 83204
Phone: 208-234-0126



JANET CONNELL
Deputy Clerk