

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

2004 SEP 8 PM 3 37

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 43-13112
	)	(Jones & Harper)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

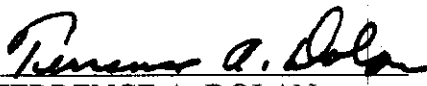
On April 18, 1989, Allen Enterprises filed a *Notice of Claim to a Water Right* under claim number 43-02478 for 3 cfs from groundwater to irrigate 184 acres in Cassia County from March 15 to November 15 with a priority date of October 5, 1959, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended 43-13112 (derived from base right 43-02478) to Larry and Barbara Cooper for 2.23 cfs to irrigate 137 acres within a 368 acre place of use.

The Coopers filed an *Objection* on February 8, 2002, objecting to quantity. IDWR filed a *Notice of Completed Administrative Proceeding* on May 4, 2004, for a substitution of party from the Coopers to J. Max and Diane Jones, 2060 East, 1000 South, Declo, Idaho, 83323. On August 3, 2004, IDWR filed a second *NCAP* for a substitution of party from the Joneses to the Joneses and Gary and Susan Harper, 2040 East, 850 South, Declo, Idaho, 83323.

Conclusions of Law

J. Max and Diane Jones and Gary and Susan Harper are entitled to a partial decree adjudicating a water right for claim 43-13112 as described in the August 3, 2004 *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-13112*.

DATED September 8, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13112

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NAME AND ADDRESS: GARY B HARPER
SUSAN C HARPER
2040 E 850 S
DECLO, ID 83323

DIANE D JONES
J MAX JONES
2060 E 1000 S
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 2.23 CFS
548.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

USE OF THIS RIGHT WITH RIGHT NO. 43-13110 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 580 AF.

PRIORITY DATE: 10/05/1959

POINT OF DIVERSION: T12S R26E S11 SESENW Within Cassia County
SWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.23 CFS 548.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R26E S10	SWNE 38.0
	S11	SWNW 40.0
		NESW 40.0
		SWSW 29.0
		NWSE 9.0
		SENE 28.0
		NWSW 40.0
		SESW 38.0
		SWSE 29.0
	291.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 137 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

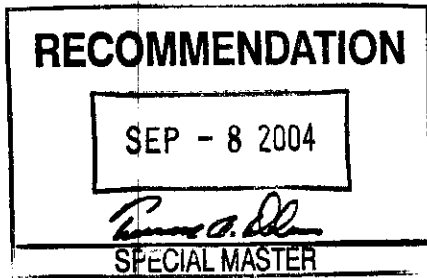
USE OF THIS RIGHT WITH RIGHT NO. 43-13110 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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TWIN FALLS CO., IDAHO
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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): 43-13112

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 September 08, 2004, with sufficient first-class postage prepaid to the following:

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

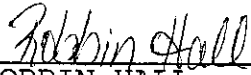
LARRY COOPER
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

GARY B HARPER
SUSAN C HARPER
2040 E 850 S
DECLO, ID 83323

CERTIFICATE OF MAILING

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09/08/04

DIANE D JONES
J MAX JONES
2060 E 1000 S
DECLO, ID 83323



ROBBIN HALL
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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

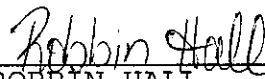
Water Right(s): 43-13112

On September 08, 2004, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 September 08, 2004.



ROBBIN HALL
Deputy Clerk