

2004 SEP 8 PM 3 35

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 43-13116
	) (split claims 43-13355 & 43-13356)
Case No. 39576	) (Cooper, Harper & Jones)
	)
	) SPECIAL MASTER REPORT
	) AND RECOMMENDATION

Findings of Fact

On May 30, 1989, Allen Enterprises filed a *Notice of Claim to a Water Right* under expansion claim number 43-10150B for 2.4 cfs from groundwater to irrigate 120 acres in Cassia County from April 1 to October 31 with a priority date of June 30, 1985, based on beneficial use. 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 43-13116 (split from 43-10150B) to Larry and Barbara Cooper, 227 W 20 S Knox Drive, Burley, Idaho, 83318, for 1.12 cfs to irrigate 86 acres within a 368 acre place of use from March 15 to November 15.

IDWR filed a *Notice of Completed Administrative Proceeding* on May 4, 2004, for a substitution of party and split of 43-13116 into 43-13355 (Coopers) and 43-13356 (J. Max and Diane Jones, 2060 East, 1000 South, Declo, Idaho, 83323. On August 3, 2004, IDWR filed a second *NCAP* in subcase 43-13356 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

1. Larry and Barbara Cooper are entitled to a partial decree adjudicating a water right for claim 43-13355 as described in the May 4, 2004 *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-13355*;

2. J. Max and Diane Jones and Gary and Susan Harper are entitled to a partial decree adjudicating a water right for claim 43-13356 as described in the August 3, 2004 *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-13356*; and
3. Claim 43-13116 should not be decreed as a water right, the claim having been split into 43-13355 and 43-13356.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 43-13116 **not** be decreed as a water right.

DATED September 8, 2004.



TERRENCE A. DOLAN

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

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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13355

NAME AND ADDRESS: BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.18 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.13 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 236 AF. COMBINED RIGHT NOS.: 43-13321,
43-13353, & 43-13355.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T12S R26E S11 SESENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.18 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R26E S10	NENW 32.0 SENW 39.0
	109.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 109 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-423B, 43-13321, 43-13353, &
43-13355.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-13321 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE
IRRIGATION SEASON.

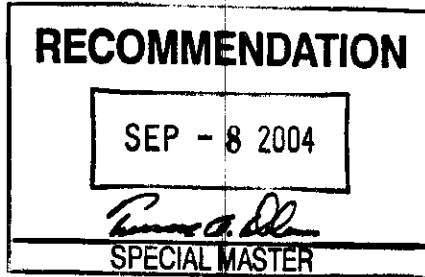
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13321 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

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

2004 SEP 8 PM 3 36

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13356

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: 1.12 CFS

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.

PRIORITY DATE: 06/30/1985

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	1.12 CFS

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 66 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

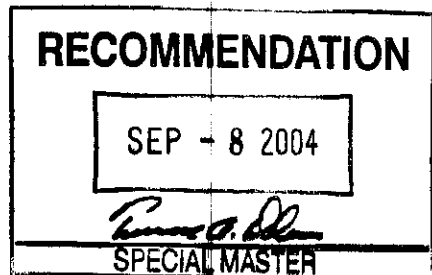
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13108, 43-13110,
43-13112, & 43-13114 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s) : 43-13116
43-13355 43-13356

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:

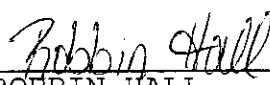
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318
Phone: 208-678-8015

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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09/08/04

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TWIN FALLS CO., IDAHO
FILED _____

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-13116
43-13355 43-13356

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 (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 September 08, 2004.


ROBBIN HALL
Deputy Clerk