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DISTRICT COURT - SIDA
TWIN FALLS
FILED

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 35-07668
	)	(Cavaness)
Case No. 39576	)	
		SPECIAL MASTER REPORT

Findings of Fact

Ben Cavaness, 2761 Moonlight Lane, American Falls, Idaho 83211-5432, filed a *Notice of Claim to a Water Right* on March 7, 1990, claiming 1.94 cfs from groundwater to irrigate 154 acres from April 1 to November 1 with a priority date of February 2, 1977, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III, Volume Two (IDWR Basin 35)* on January 29, 1999. The Director recommended the claim as filed.

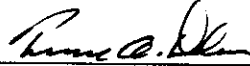
The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity, other provisions and alleging the water right should not exist. The same date, the United States of America, Department of Interior, Bureau of Land Management filed an *Objection* objecting to place of use. On October 19, 1999, the Special Master entered an ***Order Dismissing United States' Objection and Dismissing United States as a Party*** based on the *Stipulation* filed by Mr. Cavaness and the United States.

IDWR filed a *Notice of Completed Administrative Proceeding* on January 8, 2001, for changes in the point of diversion and place of use. Finally, on August 27, 2001, the Special Master entered an ***Order Granting Respondents' Motions for Partial Summary Judgment*** in consolidated subcases 35-07200 and 41-02016 dismissing the Canal Company *Objections*.

Conclusions of Law

Ben Cavaness is entitled to a partial decree adjudicating a water right under claim 35-07668 as recommended by IDWR and as described in the attached ***Special Master Recommendation for Partial Decree for Water Right 35-07668***.

DATED March 28, 2002.



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-07668

2002 MAR 28 PM 3:47
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: BEN CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS, ID 83211-5432

SOURCE: GROUNDWATER

QUANTITY: 1.94 CFS
616.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-07991B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 616.0 AF.

PRIORITY DATE: 02/02/1977

POINT OF DIVERSION: T09S R28E S15 SESW Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.94 CFS 616.00 AFY

PLACE OF USE:	Irrigation	Within Power County
	T09S R28E S15	NESW 16.0 NWSW 16.0 SWSW 40.0 SESW 40.0 SWSE 5.7 S22 NWNE 0.3 NWNW 17.0
	154.0 Acres Total	

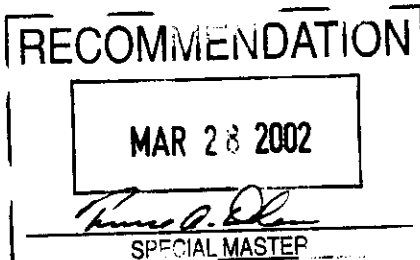
THE USE OF WATER WITHIN T09S, R28E, S15, NESW AND NWSW IS
LIMITED TO THE S1/2 OF THOSE PLACES OF USE
USE OF THIS RIGHT WITH RIGHT NO. 35-07991B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE
IRRIGATION SEASON.

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.



Roger Burdick
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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

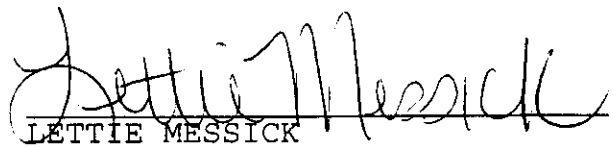
Water Right(s): 35-07668

On March 28, 2002, 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 April 11, 2001


LETTIE MESSICK
Deputy Clerk

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): 35-07668

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 April 11, 2002, with sufficient first-class postage prepaid to the following:

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

BEN CAVANESS
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

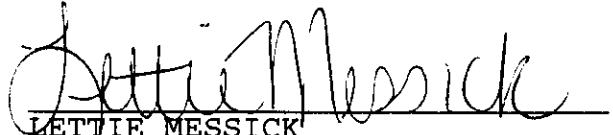
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

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Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835



LETTIE MESSICK
Deputy Clerk