

2002 APR 16 PM 3:51

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

**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 43-00205
	)	(Ward)
Case No. 39576	)	
		SPECIAL MASTER REPORT

Findings of Fact

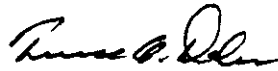
Art and Beth Ward filed a *Notice of Claim to a Water Right* on May 25, 1989, claiming .4 cfs from Cottonwood Creek for irrigation of 160 acres from March 15 to November 15 with a priority date of April 30, 1882, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I, Volume One* on September 28, 2001. The Director recommended the claim to Beverly and Paul Ward, 1960 S. Elba / Almo Road, Elba, Idaho 83342, for irrigation of 52 acres from April 1 to October 31.

The Wards filed an *Objection* on November 20, 2001, objecting to source. However, on March 4, 2002, the Wards and IDWR filed a *Standard Form 5*.

Conclusions of Law

The Wards are entitled to a partial decree adjudicating a water right under 43-00205 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00205*.

DATED April 16, 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00205

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: BEVERLY WARD
PAUL A WARD
1960 S ELBA/ALMO RD
ELBA, ID 83342

SOURCE: COTTONWOOD CREEK TRIBUTARY: CLYDE CREEK

QUANTITY: 0.40 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.64 CFS COMBINED RIGHT NOS: 43-00200,
43-00205 AND 43-00474.*** USE OF THE RIGHTS LISTED BELOW IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS.***
COMBINED RIGHT NOS: 43-00200 AND 43-00205.***

PRIORITY DATE: 04/30/1882

POINT OF DIVERSION: T13S R24E S25 NESWN Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS

PLACE OF USE: Irrigation Within Cassia County
T13S R25E S29 SWSW 29.0
S30 SESE 23.0
52.0 Acres Total

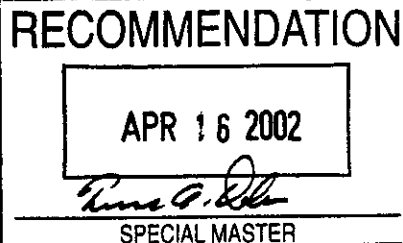
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON.***
COMBINED RIGHTS 43-00200 AND 43-00205.*** USE OF THE RIGHTS
LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
65 ACRES IN A SINGLE IRRIGATION SEASON.*** COMBINED RIGHTS
43-00200, 43-00205, AND 43-00474.***

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

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TWIN FALLS, IDAHO
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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

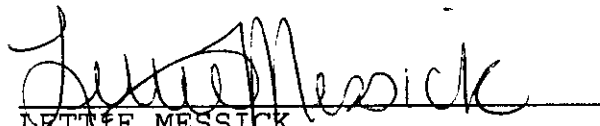
Water Right(s): 43-00205

On April 16, 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.

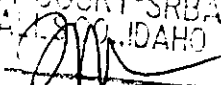
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 16, 2002.


LETTIE MESSICK
Deputy Clerk

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TWIN FALLS, IDAHO
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

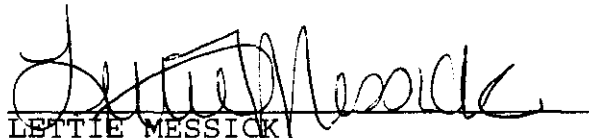
Water Right(s): 43-00205

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 16, 2002, with sufficient first-class postage prepaid to the following:

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

BEVERLY WARD
PAUL A WARD
1960 S ELBA/ALMO RD
ELBA, ID 83342
Phone: 208-638-5526


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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