

272 APR 16 PM 3:42

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**

|                       |   |                              |
|-----------------------|---|------------------------------|
| <b>In Re SRBA</b>     | ) | <b>Subcase 43-02237</b>      |
|                       | ) | <b>(Gochnour)</b>            |
| <b>Case No. 39576</b> | ) |                              |
| <hr/>                 |   | <b>SPECIAL MASTER REPORT</b> |

**Findings of Fact**

Carla and Lane Gochnour, HC 72, Box 2360, Malta, Idaho 83342, filed an *Amended Notice of Claim to a Water Right* on June 5, 1989, claiming .4 cfs from Cemetery Spring for irrigation of 20 acres from April 1 to November 1 with a priority date of April 16, 1920, 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, Volume One* on September 28, 2001. The Director recommended the claim as filed for irrigation of 20 acres within an 84.8 acre place of use.

The Gochnours filed an *Objection* on January 14, 2002, objecting to place of use. However, on March 4, 2002, the Gochnours and IDWR filed a *Standard Form 5* agreeing to 20 acres within a 64 acre place of use.

**Conclusions of Law**

The Gochnours are entitled to a partial decree adjudicating a water right under 43-02237 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02237*.

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 43-02237

2002 APR 16 PM 3:42  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: CARLA GOCHNOUR  
LANE GOCHNOUR  
HC 72 BOX 2360  
MALTA, ID 83342

SOURCE: CEMETERY SPRING TRIBUTARY: SINKS

QUANTITY: 0.40 CFS  
80.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.31 CFS. AND A COMBINED ANNUAL  
DIVERSION VOLUME OF 256.0 AF. COMBINED RIGHT NOS.: 43-04083,  
43-04084.^^^

PRIORITY DATE: 04/16/1920

POINT OF DIVERSION: T16S R26E S26 SWSNW Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|-------------------------------|----------------|----------------|-----------------------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.40 CFS<br>80.00 AFY |

| PLACE OF USE: | Irrigation                        | Within Cassia County |
|---------------|-----------------------------------|----------------------|
|               | T16S R26E S22 NESE 16.0 SESE 16.0 |                      |
|               | S23 NWSW 16.0 SWSW 16.0           |                      |
|               | 64.0 Acres Total                  |                      |

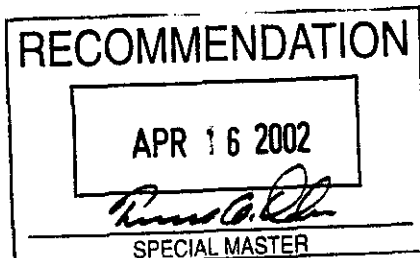
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE  
OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 64 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-04083, 43-04084.^^^

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

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

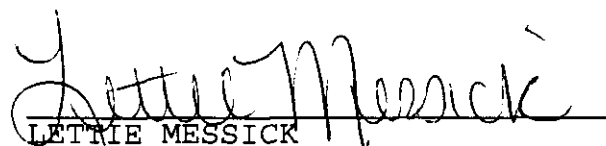
Water Right(s): 43-02237

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

2002 APR 16 PM 3:42

DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED *on*

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) : 43-02237

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

CARLA GOCHNOUR  
LANE GOCHNOUR  
HC 72 BOX 2360  
MALTA, ID 83342  
Phone: 208-824-5518

*Lettie Messick*  
LETTIE MESSICK  
Deputy Clerk

CERTIFICATE OF MAILING

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