

APR 29 2002

2002 APR 26 PM 4: 03

POST OFFICE - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**FOR WATER RIGHTS 31-00308,
31-11768 AND 31-11769**

A notice of claim was filed for water right 31-00308 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 31-00308 into assigned split right numbers 31-11768 and 31-11769. All parties to the subcase and IDWR are signatories to the *Standard Form*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 31-00308 to accommodate the division of the right. Quantity was changed from 3.20 to 2.80 cfs for 31-11768 and .40 cfs for 31-11769 to reflect the portion of the quantity of water which each split retains. The new quantities, 2.80 cfs and .40 cfs total 3.20 which was the original quantity.

The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 31-00308 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 31-11768 and 31-11769 be **decreed** with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: April 26, 2002.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

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APR 29 2002

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

Department of Water Resources

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-11768

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FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: SHERIDAN GOLDEN EAGLE
PO BOX 519
REXBURG, ID 83440

SOURCE: DRY CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 2.80 CFS

PRIORITY DATE: 06/21/1902

POINT OF DIVERSION: T12N R39E S09 SWSWNE Within Clark County
S10 NWNESW
NWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	2.80 CFS
	Stockwater	05-01 TO 10-31	0.03 CFS

PLACE OF USE:	Irrigation	Within Clark County
T12N R39E S09	NENE 1.0	SWNE 16.0
	SENE 27.0	NENW 5.0
	NWNW 1.0	SWNW 12.0
	NESW 12.0	NWSW 39.0
	SWSW 5.0	SESW 8.0
	NESE 16.0	NWSE 37.0
	SESE 5.0	
S10	SWNW 10.0	NESW 11.0
	NWSW 20.0	SWSW 12.0
	257.0 Acres Total	

Stockwater	Within Clark County
T12N R39E S09	NENE
	SENE
	NWNW
	NESW
	SWSW
	NESE
	SESE
S10	SWNW
	NWSW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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).

RECOMMENDATION

APR 26 2002

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 31-11768 File Number: 00214

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

APR 29 2002

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 31-11769

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: DRY CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/21/1902

POINT OF DIVERSION: T12N R39E S09 SWSWNE Within Clark County
NWNESW
S10 NWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.40 CFS
	Stockwater	05-01 TO 10-31	0.01 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T12N R39E S09	SENW 31.0
		SWSE 5.0
	36.0 Acres Total	

Stockwater Within Clark County
T12N R39E S09 SENW SWSE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

RECOMMENDATION

APR 26 2002

Augusta Wilson
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

APR 29 2002

2007 APR 26 PM 4: 03

WATERBURY, VT-SREA
TWIN FALLS CO., IDAHO

In Re SRBA
Case No. 39576

Water Right(s): 31-00308
31-11768 31-11769

Janet Connell
JANET CONNELL
Deputy Clerk

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Department of Water Resources

DISTRICT COURT-SRBA
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): 31-00308

31-11768 31-11769

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 26, 2002, with sufficient first-class postage prepaid to the following:

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

SHERIDAN GOLDEN EAGLE

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

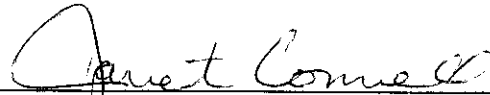
UNITED STATES OF AMERICA

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

CERTIFICATE OF MAILING

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04/26/02

SHERIDAN GOLDEN EAGLE
PO BOX 519
REXBURG, ID 83440



JANET CONNELL
Deputy Clerk