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Department of Water Resources

2002 APR 26 PM 4:08

DISTRICT COURT-SRBA
TWIN FALLS CO., 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 31-00310,
	)	31-11770 AND 31-11771
	)	
	)	
	)	
	)	

I. FINDINGS OF FACT

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 31-00310 into assigned split right numbers 31-11770 and 31-11771. All parties to the subcase and IDWR are signatories to the *Standard Form*.

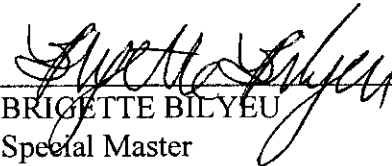
The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 31-00310 to accommodate the division of the right. Quantity was changed from 2.66 to 2.34 cfs for 31-11770 and .32 cfs for 31-11771 to reflect the portion of the quantity of water which each split retains. The new quantities, 2.34 cfs and .32 cfs total 2.66 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 31-00310 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 31-11770 and 31-11771 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: April 26, 2002.



BRIGETTE BILYEU
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 31-11770

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: DRY CREEK TRIBUTARY: SPRING CREEK

QUANTITY: 2.34 CFS

PRIORITY DATE: 07/02/1911

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	2.34 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 32.0	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	SWNE
		SENE	NENW
		NWNW	SWNW
		NESW	NESW
		NWSW	SWSW
		SESW	NWSE
		SESE	
	S10	SWNW	NESW
		NWSW	SWSW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 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

RECOMMENDATION

APR 26 2002

Allyette J. J. J.
SPECIAL MASTER

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)

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

Water Right 31-11771

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TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
1387 S VINNELL WAY
BOISE, ID 83709-1657

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Department of Water Resources

SOURCE: DRY CREEK TRIBUTARY: SPRING CREEK

QUANTITY: 0.32 CFS

PRIORITY DATE: 07/02/1911

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	0.32 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 16 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

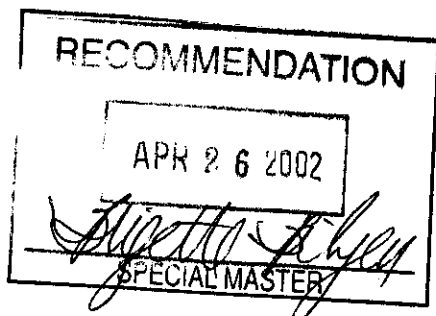
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

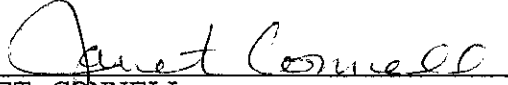
Water Right(s): 31-00310
31-11770 31-11771

On April 26, 2002, Special Master BRIGETTE BILYEU
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 26, 2002.


JANET CONNELL
Deputy Clerk

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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): 31-00310

31-11770 31-11771

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

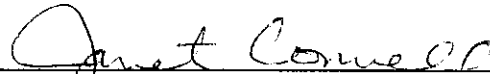
SHERIDAN GOLDEN EAGLE
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

PAGE 1
04/26/02

SHERIDAN GOLDEN EAGLE
PO BOX 519
REXBURG, ID 83440



JANET CONNELL
Deputy Clerk