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Department of Water Resources
Adjudication Bureau

2002 JUL 31 PM 2:28

DISTRICT COURT - CLERK
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

) **Subcase 43-00207**
) **(Bighorn Mortgage Corp.)**
)
) **SPECIAL MASTER REPORT**
) **and**
) **ORDER DISMISSING UNITED STATES**
) **OBJECTION**

Findings of Fact

Arimo Corporation filed a *Notice of Claim to a Water Right* on March 28, 1989, claiming 1.3 cfs from Raft River for irrigation of 160 acres in Cassia County from March 1 to November 1 with a priority date of April 1, 1909, 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* on September 28, 2001. The Director recommended the claim as filed, but to Loretta and Kelly Mai for irrigation of 65 acres within a 158 acre place of use from April 1 to October 31.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to priority date and point of diversion. However, on July 31, 2002, the United States filed a *Motion to Dismiss Objection* because "BLM's objection to the point of diversion should be dismissed, with prejudice." Presumably, the United States also sought dismissal of its objection to priority date.

On July 26, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* for a substitution of party from the Mais to Bighorn Mortgage Corporation, 325 South, 1200 West, Murtaugh, Idaho 83344.

Order

THEREFORE, IT IS ORDERED that the United States *Objection* in subcase 43-00207 is **dismissed, with prejudice.**

Conclusions of Law

Bighorn Mortgage Corporation is entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 43-00207*.

DATED July 31, 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 43-00207

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

NAME AND ADDRESS: BIGHORN MORTGAGE CORPORATION
325 S 1200 W
MURTAUGH, ID 83344

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.30 CFS

PRIORITY DATE: 04/01/1909

POINT OF DIVERSION: T15S R26E S32 NWSESW Within Cassia County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED
FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS
RIGHT MAY BE DIVERTED THE WATERUSER MUST FILE A TRANSFER TO
ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT
AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE
EXISTS

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.30 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R26E S32	SWNE 39.0 SENE 40.0 NWSE 40.0
	158.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 65 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

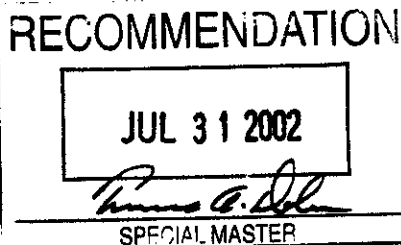
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.

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

7/31/02 PM 2:23

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

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): 43-00207

On July 31, 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.

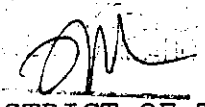
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 July 31, 2002.


LETTIE MESSICK
Deputy Clerk

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CLERK
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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-00207

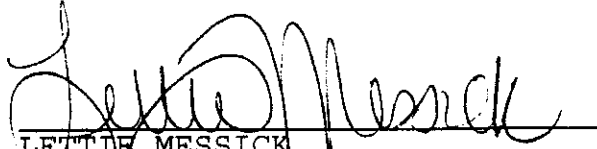
CERTIFICATE OF MAILING

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 July 31, 2002, with sufficient first-class postage prepaid to the following:

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

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

BIGHORN MORTGAGE CORPORATION
325 S 1200 W
MURTAUGH, ID 83344


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING