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DISTRICT COURT - 5th DISTRICT
JUL 31 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

) Subcase 43-00266

) (Carpenter)

Case No. 39576

)

SPECIAL MASTER REPORT

Findings of Fact

Bernice Hoggan-Stephens filed a *Notice of Claim to a Water Right* on January 17, 1992, claiming .86 cfs from Cassia Creek for irrigation of 45 acres in Cassia County from April 1 to October 31 with a priority date of June 8, 1883, 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 Alvin and Mary Carpenter, 2079 East, 1700 South, Malta, Idaho 83342.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. However, on July 31, 2002, the Carpenters, the United States and IDWR filed a *Standard Form 5* agreeing to amend the point of diversion and place of use.

Conclusions of Law

Alvin and Mary Carpenter are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00263*.

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 43-00266

2002 JUL 31 PM 2:22
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: ALVIN CARPENTER
MARY J CARPENTER
2079 E 1700 S
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION: T14S R24E S02 NENESE Within Cassia County
SWNWSE

BOTH POINTS OF DIVERSION LIE WITHIN HOMESTEAD ENTRY SURVEY 206.

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
	T14S R24E S01	NESW 3.0	NWSW 9.0
	LOT 8 ()	5.0	
	S02	NESE 19.0	NWSE 9.0
	45.0 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 45 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-263 AND 43-266

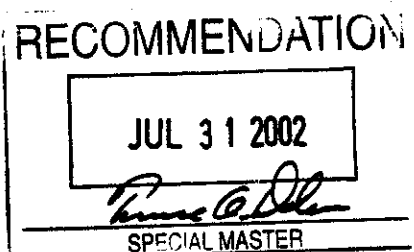
THE USE OF WATER UNDER THIS RIGHT WITHIN 14S, 24E, S02, AND
WITHIN 14S, 24E, S01, NWSW (9.0 ACRES) IS LIMITED TO HOMESTEAD
ENTRY SURVEY NO. 203.

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

2002 JUL 31 PM 2:32

CLERK OF DISTRICT COURT
FIFTH JUDICIAL DISTRICT
STATE OF 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

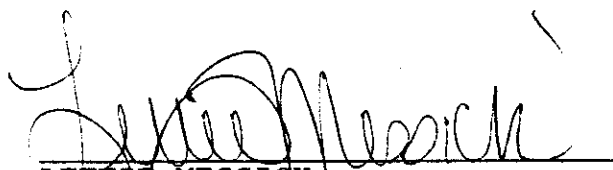
Water Right(s): 43-00266

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

07/31/02 2:32

CLERK OF DISTRICT COURT
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-00266

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

ALVIN CARPENTER
MARY J CARPENTER
2079 E 1700 S
MALTA, ID 83342
Phone: 208-645-2347

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk

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