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Department of Water Resources

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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

In Re SRBA

)

Subcase 43-04033

)

(Fridal)

Case No. 39576

)

)

SPECIAL MASTER REPORT

Findings of Fact

Mark Durfee filed a *Notice of Claim to a Water Right* on April 19, 1989, claiming .11 cfs from groundwater for year-round domestic, commercial and stockwater uses in Cassia County with a priority date of June 1, 1940, based on beneficial use. 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 for .06 cfs with a priority date of June 1, 1945.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On August 9, 2002, new owner S. Chad Fridal, 2970 East, 1400 South, Malta, Idaho 83342, the United States and IDWR filed a *Standard Form 5* agreeing to amend ownership and place of use.

Conclusions of Law

S. Chad Fridal is entitled to a partial decree adjudicating a water right under claim 43-04033 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04033*.

DATED August 9, 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 43-04033

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

NAME AND ADDRESS: S. CHAD FRIDAL
2970 E. 1400 S.
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS
5.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION: T12S R28E S32 SWSESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
			0.70 AFY
	Commercial	01-01 TO 12-31	0.06 CFS
			2.40 AFY
	Domestic	01-01 TO 12-31	0.06 CFS
			2.40 AFY

PLACE OF USE:	Stockwater		Within Cassia County
	T12S R28E S32	SESW	
	Commercial		Within Cassia County
	T12S R28E S32	SESW	
	Domestic		Within Cassia County
	T12S R28E S32	SESW	

THE USE OF WATER UNDER THIS RIGHT FOR DOMESTIC, STOCKWATER, AND
COMMERCIAL PURPOSES WITHIN SESW, S32, T12S, R28E, IS LIMITED
TO THE S 1/2 OF S 1/2 OF THAT PLACE OF USE.

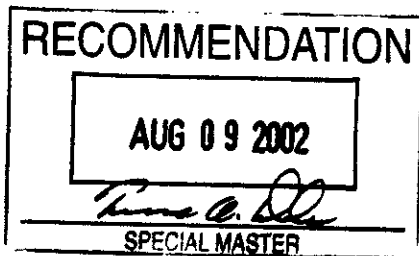
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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sources

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 7/11/10

CIAL DISTRICT OF THE
TY OF TWIN FALLS

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 43-04033

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.


LETTIE MESSICK
Deputy Clerk

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Department of Water Resources

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

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): 43-04033

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 August 09, 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

S. CHAD FRIDAL
2970 E. 1400 S.
MALTA, ID 83342

[Signature]
LETTIE JESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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