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AUG 14 2002

Department of Water Resources

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

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Subcase 43-00047A
(Spencer Brothers)

AMENDED SPECIAL MASTER REPORT

Findings of Fact

Harold and Lorraine Ward filed a *Notice of Claim to a Water Right* on May 16, 1991, claiming 2 cfs from the Raft River for stockwater and to irrigate 365.5 acres in Cassia County from March 1 to December 31 with a priority date of April 1, 1872, 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 the Spencer Brothers, HC 72, Box 2418, Malta, Idaho 83342, for irrigation of 100 acres within a 365.1 acre place of use from April 1 to October 31.

The United of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. However, on July 18, 2002, Spencer Brothers, the United States and IDWR filed a *Standard Form 5* agreeing to irrigation of 318.2 acres.

A *Special Master Report and Recommendation* was entered on July 29, 2002, but the combined use remark in the place of use contained an error: "43-2566" should have read "43-2556." The attached *Amended Special Master Recommendation for Water Right 43-00047A* corrects that error.

Conclusions of Law

Spencer Brothers are entitled to a partial decree adjudicating a water right under claim 43-00047A as described in the *Standard Form 5* and the attached *Amended Special Master Recommendation for Water Right 43-00047A*.

DATED August 13, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2002 AUG 13 PM 4:46

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00047A

NAME AND ADDRESS: SPENCER BROTHERS
HC 72 BOX 2418
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW
PROVIDE NO MORE THAN .02 CFS PER ACRE: 43-327, 43-2556,
43-4089, 43-4090, 43-4150, 43-7130.

PRIORITY DATE: 04/01/1872

POINT OF DIVERSION: T16S R24E S14 NWNESE Within Cassia County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 2.00 CFS

PLACE OF USE: Irrigation Within Cassia County
T16S R24E S12 NENE 18.0 SWNE 32.0
SENE 40.0
R25E S06 LOT 4 (SWSW) 1.2 LOT 3 (SESW) 29.0
LOT 2 (SWSE) 29.0 LOT 1 (SESE) 13.0
S07 NWNE 40.0 NENW 40.0
LOT 1 (NWNW) 38.0 LOT 2 (SWNW) 38.0
318.2 Acres Total

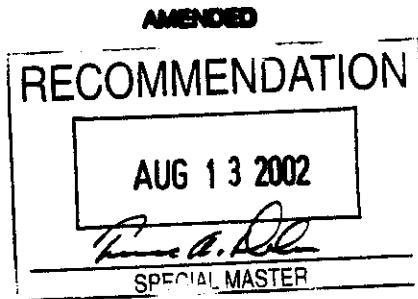
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 260 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-327, 43-4150.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 318.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-327, 43-2556,
43-4089, 43-4090, 43-4150, 43-7130.

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

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DISTRICT COURT-SRBA
TWIN FALLS CO. 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

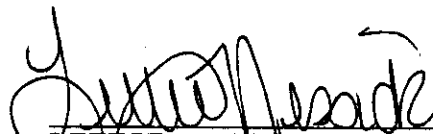
Water Right(s): 43-00047A

On August 13, 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 August 13, 2002.

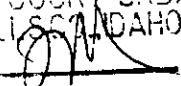

LETTIE MESSICK
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS, 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): 43-00047A

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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 13, 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

SPENCER BROTHERS
HC 72 BOX 2418
MALTA, ID 83342
Phone: 435-827-5573

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

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08/13/02