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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 43-02264

)

(Webb Brothers Land & Livestock, LLC)

Case No. 39576

)

SPECIAL MASTER REPORT

Findings of Fact

Webb Brothers filed a *Notice of Claim to a Water Right* on April 14, 1989, claiming 1.7 cfs from the Raft River to irrigate 678 acres in Cassia County from April 1 to November 1 with a priority date of August 23, 1930, based on a license. 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 irrigation of 85 acres within a 735.5 acre place of use from March 15 to November 15.

The claimant filed an *Objection* on November 2, 2001, objecting to quantity and place of use. 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 14, 2002, Webb Brothers Land & Livestock, LLC, 22 N. Yale Road, Declo, Idaho 83323, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Webb Brothers Land & Livestock, LLC is entitled to a partial decree adjudicating a water right under claim 43-02264 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02264*.

DATED August 16, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-02264

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

NAME AND ADDRESS: WEBB BROTHERS
LAND & LIVESTOCK LLC
22 N YALE RD
DECLO, ID 83323

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.70 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073,
43-13063, 43-10087, 43-2084, 43-2180, AND 43-2264.

PRIORITY DATE: 08/23/1930

POINT OF DIVERSION: T10S R27E S24 NWSENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.70 CFS

PLACE OF USE:	Irrigation	Within Cassia County
T10S R27E S23	NESE 23.0	SESE 38.0
S24	SWNE 30.0	SENE 40.0
	SWNW 29.0	SENE 23.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 36.0	NWSE 40.0
	SWSE 30.0	SESE 23.0
S25	NENE 31.0	NWNE 34.0
	SWNE 33.0	SENE 32.0
	NENW 4.3	NWNW 39.0
S26	NENE 35.0	
R28E S19 LOT 2	(SWNW)10.0	LOT 3 (NWSW)33.0
LOT 4	(SWSW)11.0	
734.3 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 734.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063,
43-10087, 43-2084, 43-2190, AND 43-2264.

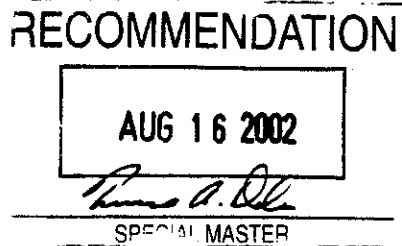
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 85 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS 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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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

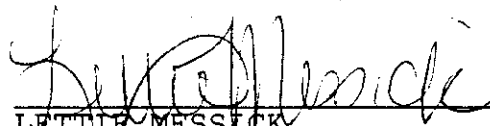
Water Right(s): 43-02264

On August 16, 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 16, 2002.



LETTIE MESSICK
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02264

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 16, 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

WEBB BROTHERS
LAND & LIVESTOCK LLC
22 N YALE RD
DECLO, ID 83323
Phone: 208-349-5740

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

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08/16/02