

RECEIVED

AUG 19 2002

Department of Water Resources

AUG 16 PM 12: 26

DISTRICT COURT-SRSA
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 43-02431

)

(Edwards)

Case No. 39576

)

)

SPECIAL MASTER REPORT

Findings of Fact

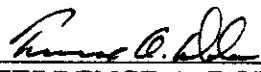
Forevergreen Farm, Inc., filed a *Notice of Claim to a Water Right* on April 18, 1989, claiming .4 cfs from groundwater to irrigate 22 acres in Cassia County from March 15 to November 15 with a priority date of August 11, 1955, based on a license. The Director of the Idaho Department of Water Resources 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 to Doris and Larry Edwards, P.O. Box 126, Almo, Idaho 83312, for irrigation of 22 acres within a 36.7 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 place of use. On August 13, 2002, the claimants, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Doris and Larry Edwards are entitled to a partial decree adjudicating a water right under claim 43-02431 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02431*.

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 43-02431

2002 AUG 16 PM 12:26
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: DORIS B EDWARDS
LARRY EDWARDS
PO BOX 126
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 0.40 CFS
88.00 AFY

PRIORITY DATE: 08/11/1955

POINT OF DIVERSION: T13S R25E S32 SWNWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS 88.00 AFY

PLACE OF USE: Irrigation Within Cassia County
T13S R25E S32 NWNE 8.0 SWNE 5.7
NENW 12.0 SENW 11.0
36.7 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 36.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 43-153B, 43-154,
43-155, AND 43-2431.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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.

RECOMMENDATION

AUG 16 2002

[Signature]
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

AUG 19 2002

Department of Water Resources

2002 AUG 16 PM 12:26

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02431

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

RECEIVED

AUG 19 2002

Department of Water Resources

2002 AUG 16 PM 12:26

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

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

Water Right(s): 43-02431

)

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

DORIS B EDWARDS
LARRY EDWARDS
PO BOX 126
ALMO, ID 83312
Phone: 208-824-5583

CERTIFICATE OF MAILING


PAGE 1
08/16/02
LETTIE MESSICK
Deputy Clerk