

RECEIVED

AUG 20 2002

Department of Water Resources

2002 AUG 19 AM 11: 52

DISTRICT COURT-SRBA
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) **Subcase 43-13073**
) **(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 July 3, 2001, claiming 3.63 cfs from groundwater to irrigate 253 acres in Cassia County from April 1 to November 1 with a priority date of May 29, 1952, 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 irrigation of a combined total of 735.5 acres.

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 quantity and place of use.

Conclusions of Law

Webb Brothers Land & Livestock, LLC is entitled to a partial decree adjudicating a water right under claim 43-13073 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-13073*.

DATED August 19, 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 43-13073

2002 AUG 19 PM 1:28
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

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

SOURCE: GROUND WATER

QUANTITY: 3.63 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.06 CFS. COMBINED RIGHT NOS: 43-13071 AND
43-13073.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.68 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1335 AF. COMBINED RIGHT NOS.: 43-13071,
43-13073, 43-13063, AND 43-10087.

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.

USE OF THIS RIGHT WITH RIGHT NO. 43-13071 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUM OF 1012.0 AF.

PRIORITY DATE: 05/29/1952

POINT OF DIVERSION: T10S R27E S24 SESESW Within Cassia County
R28E S19 LOT 3 (SWNWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.63 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	SENW 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, 43-2180, AND 43-2264.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 253 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10087,
43-2084, 43-2180, AND 43-2264.

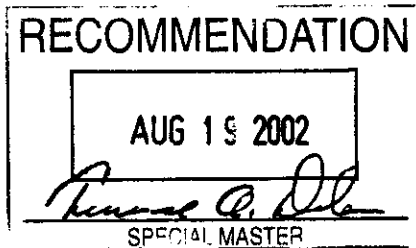
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

OTHER PROVISIONS (continued)

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

RECEIVED

AUG 20 2002

Department of Water Resources

2002 AUG 19 AM 11: 52

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

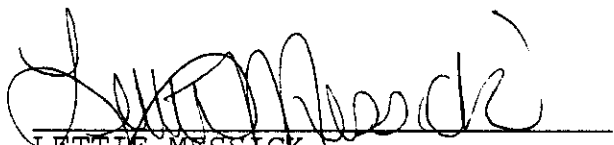
Water Right(s): 43-13073

On August 19, 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 19, 2002.


LETTIE MESSICK
Deputy Clerk

RECEIVED

AUG 20 2002

Department of Water Resources

2002 AUG 19 AM 11: 52

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *MM*

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): 43-13073

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 19, 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
LETITIE MESSICK
Deputy Clerk
PAGE 1
08/19/02