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Department of Water Resources

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DISTRICT COURT-SRBA
STATE OF 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 43-02532A
	)	(Ward)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

Douglas Ward, P.O. Box 102, Almo, Idaho 83312, filed a *Notice of Claim to a Water Right* on August 18, 1989, claiming .04 cfs from groundwater for year-round stockwater use and to irrigate 32 acres in Cassia County from April 1 to October 31 with a priority date of June 15, 1961, 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 as filed.

Brent Jones filed an *Objection* on February 7, 2002, objecting to point of diversion. On August 14, 2002, Douglas Ward, Brent Jones and IDWR filed a *Standard Form 5* agreeing to add a remark concerning lockable controlling works.

Conclusions of Law

Douglas Ward is entitled to a partial decree adjudicating a water right under claim 43-02532A as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02532A*.

DATED August 20, 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 43-02532A

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

NAME AND ADDRESS: DOUGLAS WARD
PO BOX 102
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
29.20 AFY

PRIORITY DATE: 06/15/1961

POINT OF DIVERSION: T15S R24E S22 NWSESE Within Cassia County
S26 NENENE (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS
	Irrigation	04-01 TO 10-31	0.04 CFS
			16.80 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R24E S25	NENE 40.0 NWNE 40.0 SENE 40.0 NWNW 40.0 SENE 40.0
	318.0 Acres Total	

Stockwater	Within Cassia County
T15S R24E S25	NENE NWNE SENE NWNW SENE
S26	NWSW SENE

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

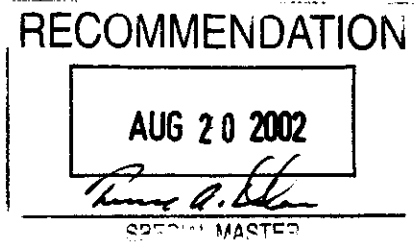
A LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL
BE INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43D.

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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TWIN FALLS, IDAHO

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02532A

On August 20, 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 20, 2002.


LETTIE MESSICK
Deputy Clerk

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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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02532A

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 20, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DOUGLAS WARD
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

DOUGLAS WARD
PO BOX 102
ALMO, ID 83312
Phone: 208-824-5738

BRENT JONES
PO BOX 151
ALMO, ID 83312
Phone: 208-824-5533

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

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