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AUG 23 2002

Department of Water Resources

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DIST. CT. 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	)	Subcases 43-02352, 43-13231
	)	(Webb Basin Dairy) and
Case No. 39576	)	43-13232 (USDI/BLM)
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

Webb Basin Dairy, HC 76, Box 1050, American Falls, Idaho 83211, filed a *Notice of Claim to a Water Right* under 43-02352 on May 23, 1989, claiming 4.74 cfs from groundwater to irrigate 1,126 acres in Cassia County from April 1 to November 1 with a priority date of April 15, 1956, 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, but for irrigation of 1,051.2 acres.

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, filed an *Objection* on February 8, 2002, objecting to place of use. On August 14, 2002, Webb Basin Dairy, the United States and IDWR filed *Standard Forms 5* agreeing to split 43-02352 into 43-13231 (Webb Basin Dairy) and 43-13232 (USDI/BLM).

Conclusions of Law

Webb Basin Dairy and the USDI/BLM are entitled to partial decrees adjudicating water rights under claims 43-13231 (Webb Basin Dairy) and 43-13232 (USDI/BLM) as described in the *Standard Forms 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-13231 and 43-13232*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 43-02352 **not** be adjudicated as a water right, the claim having been split into 43-13231 and 43-13232.

DATED August 22, 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 43-13231

2002 AUG 22 PM 3:29
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: WEBB BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 4.67 CFS
935.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 15.02 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4145.6 AF. COMBINED RIGHT NOS.: 43-13239,
43-13231, 43-13233, & 43-13235.

PRIORITY DATE: 04/15/1956

POINT OF DIVERSION: T09S R27E S35 SESWSW Within Cassia County
T10S R27E S02 LOT 2 (NWNWNE)
NWNWSW
S11 NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	4.67 CFS 935.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Cassia County
T09S R27E S34	SESE 34.8	
S35	NWSW 5.1	SWSW 40.1
	SESW 18.2	
T10S R27E S02 LOT 1	(NENE) 30.4	LOT 2 (NWNE) 28.3
	SWNE 30.3	SENE 25.3
LOT 3	(NENW) 37.9	LOT 4 (NWNW) 40.3
	SWNW 33.2	SENW 39.3
	NESW 32.9	NWSW 39.0
	SWSW 40.3	SESW 37.3
	NESE 36.8	NWSE 40.1
	SWSE 37.9	SESE 40.4
S03 LOT 1	(NENE) 33.9	SENE 8.6
	NESE 7.2	SESE 13.4
S10	NENE 29.7	SENE 9.6
S11	NENE 26.6	NWNE 40.3
	SWNE 40.3	NENW 38.8
	NWNW 40.3	SWNW 39.0
	SENW 40.3	
1035.9 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 1035.9 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-13229, 43-13231, 43-13233, &

PLACE OF USE (continued)

43-13235.

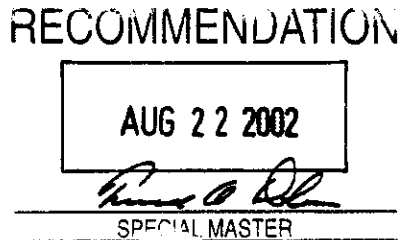
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233.7 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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 43-13232

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

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.07 CFS
13.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF .21 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 59.2 AF. COMBINED RIGHT NOS.: 43-13230,
43-13232, 43-13234, & 43-13236.

PRIORITY DATE: 04/15/1956

POINT OF DIVERSION: T09S R27E S35 SESWSW Within Cassia County
T10S R27E S02 LOT 2 (NWNWNE)
NWNWSW
S11 NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.07 CFS 13.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Cassia County
T09S R27E S35 NESW 0.5
T10S R27E S11 SENE 14.3
14.8 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 14.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, &
43-13236.

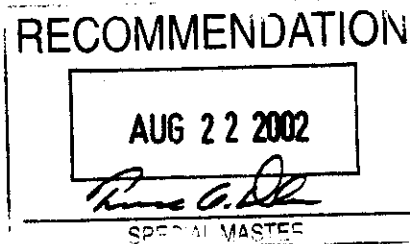
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.3 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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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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): 43-02352

On August 22, 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 22, 2002.


LETTIE MESSIER
Deputy Clerk

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

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): 43-02352

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 22, 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 BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5545

CERTIFICATE OF MAILING

Lettie Messick
LETTIE MESSICK
Deputy Clerk

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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): 43-13231
43-13232

On August 22, 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 22, 2002.


LETTIE MESSICK
Deputy Clerk

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TWIN FALLS CO., IDAHO
FILED *OM*

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): 43-13231
43-13232

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 22, 2002, with sufficient first-class postage prepaid to the following:

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Deputy Clerk

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