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AUG 28 2002

Department of Water Resources

2002 AUG 27 PM 2:00

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
JUL 25 2002

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 43-11297
) (USDI/BLM)
Case No. 39576)
) SPECIAL MASTER REPORT

Findings of Fact

Charles and Janet Ward filed a *Notice of Claim to a Water Right* under 43-00274 on April 12, 1989, claiming .5 cfs from Warm Creek and Rice Springs for year-round domestic and stockwater uses and for irrigation of 292 acres in Cassia County from March 15 to November 15 with a priority date of April 30, 1872, based on a decree. 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 the Wards under 43-11297 and only for .04 cfs from a spring for year-round stockwater use with a priority date of December 31, 1956, based on beneficial use.

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 priority date, point of diversion and place of use. On August 23, 2002, the Wards, the United States and IDWR filed a *Standard Form 5* agreeing that the claim should be decreed to the USDI/BLM.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right under claim 43-11297 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-11297*.

DATED August 27, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

202 AUG 27 PM 2: 00

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

RECOMMENDATION

AUG 27 2002

[Signature]

SPECIAL MASTER

AUG 28 2002

2007 AUG 27 PM 2: 00

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

In Re SRBA
Case No. 39576

Water Right(s) : 43-11297

Lettie Messick
LETTIE MESSICK
Deputy Clerk

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

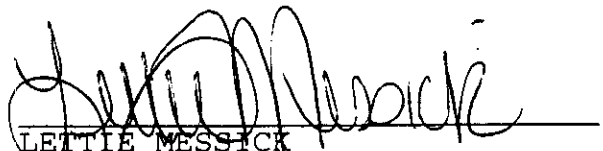
Water Right(s): 43-11297

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 27, 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


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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08/27/02