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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	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION Water Right(s): 57-00246 57-00267 57-01021 57-01022 57-01023

On August 27, 2002, Special Master THOMAS R CUSHMAN 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 27, 2002.

DEBBIE LASH
Deputy Clerk

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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): 57-00246 57-00267 57-01021 57-01022 57-01023

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

ELIAS JACA
JACA, INEZ
817 BLAINE AVE
NAMPA, ID 83651

ELIAS & INEZ JACA
817 BLAINE AVE
NAMPA, ID 83651
Phone: 208-466-8801

DEBBIE LASH
Deputy Clerk

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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	**SPECIAL MASTER'S REPORT**
Case No. 39576	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	FOR WATER RIGHT 57-01021

I. FINDINGS OF FACT

A ***Partial Decree*** was entered for the above-captioned water right on September 12, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right.

On September 2, 1999, an Objection to the *Supplemental Director's Report* was filed by the claimants, Elias and Inez Jaca, objecting to the period of use.

On February 7, 2002, the claimants/objectors filed a *Notice of Withdrawal of Objection* for this water right.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the ***Partial Decree*** issued on September 12, 1997, be amended to include an irrigation period of use as follows:

PERIOD OF USE: 03-15 to 11-15

Diverting water before or after the period of use under this right is allowed provided:

A. The waters so diverted are applied to a beneficial use, and

B. The existing rights and future appropriations are first satisfied.

DATED August 27, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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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	**SPECIAL MASTER'S REPORT**
Case No. 39576	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	FOR WATER RIGHT 57-01022

I. FINDINGS OF FACT

A ***Partial Decree*** was entered for the above-captioned water right on September 9, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right.

On September 2, 1999, an Objection to the *Supplemental Director's Report* was filed by the claimants, Elias and Inez Jaca, objecting to the period of use.

On February 7, 2002, the claimants/objectors filed a *Notice of Withdrawal of Objection* for this water right.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the ***Partial Decree*** issued on September 9, 1997, be amended to include an irrigation period of use as follows:

PERIOD OF USE: 03-15 to 11-15

Diverting water before or after the period of use under this right is allowed provided:

A. The waters so diverted are applied to a beneficial use, and

B. The existing rights and future appropriations are first satisfied.

DATED August 27, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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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	**SPECIAL MASTER'S REPORT**
Case No. 39576	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	FOR WATER RIGHT 57-01023

I. FINDINGS OF FACT

A ***Partial Decree*** was entered for the above-captioned water right on September 9, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right.

On September 2, 1999, an Objection to the *Supplemental Director's Report* was filed by the claimants, Elias and Inez Jaca, objecting to the period of use.

On February 7, 2002, the claimants/objectors filed a *Notice of Withdrawal of Objection* for this water right.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the ***Partial Decree*** issued on September 9, 1997, be amended to include an irrigation period of use as follows:

PERIOD OF USE: 03-15 to 11-15

Diverting water before or after the period of use under this right is allowed provided:

A. The waters so diverted are applied to a beneficial use, and

B. The existing rights and future appropriations are first satisfied.

DATED August 27, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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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	)	**SPECIAL MASTER'S REPORT**
	)	
Case No. 39576	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	)	
	)	**FOR WATER RIGHT 57-00246**
	)	

I. FINDINGS OF FACT

A ***Partial Decree*** was entered for the above-captioned water right on September 12, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right.

On September 2, 1999, an Objection to the *Supplemental Director's Report* was filed by the claimants, Elias and Inez Jaca, objecting to the period of use.

On February 7, 2002, the claimants/objectors filed a *Notice of Withdrawal of Objection* for this water right.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the ***Partial Decree*** issued on September 12, 1997, be amended to include an irrigation period of use as follows:

PERIOD OF USE: 03-15 to 11-15

Diverting water before or after the period of use under this right is allowed provided:

A. The waters so diverted are applied to a beneficial use, and

B. The existing rights and future appropriations are first satisfied.

DATED August 27, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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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	)	**SPECIAL MASTER'S REPORT**
	)	
Case No. 39576	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	)	
	)	**FOR WATER RIGHT 57-00267**
	)	

I. FINDINGS OF FACT

A ***Partial Decree*** was entered for the above-captioned water right on September 12, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right.

On September 2, 1999, an Objection to the *Supplemental Director's Report* was filed by the claimants, Elias and Inez Jaca, objecting to the period of use.

On February 7, 2002, the claimants/objectors filed a *Notice of Withdrawal of Objection* for this water right.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that the ***Partial Decree*** issued on September 12, 1997, be amended to include an irrigation period of use as follows:

PERIOD OF USE: 03-15 to 11-15

Diverting water before or after the period of use under this right is allowed provided:

A. The waters so diverted are applied to a beneficial use, and

B. The existing rights and future appropriations are first satisfied.

DATED August 21, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication