

2002 DEC 23 AM 9:59

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' REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 65-00131,
	)	65-02965B, 65-07048B, 65-07803B, 65-09092B,
	)	65-09093 and 65-09094

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The Motion was granted on July 28, 2000. The objections were filed to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." On September 20, 2002, *Standard Form's 5* were filed. All parties and IDWR are signatures to the *Standard Form's 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form's 5* and the attached Appendix A, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b) for Water Rights 65-00131, 65-02965B, 65-07048B, 65-07803B, 65-09092B, 65-09093 and 65-09094*.

DATED December 23, 2002.


THOMAS R. CUSHMAN
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 65-00131

2002 DEC 23 AM 10:00

FILED

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 1.38 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AF PER
ACRE. RIGHT NOS.: 65-7803B, 65-2965B, 65-7048B

PRIORITY DATE: 05/15/1910

POINT OF DIVERSION: T10N R03E S06 LOT 6 (NENE) Within Valley County
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.38 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T10N R03E S06 LOT 11 (SESW) 9.0	NESE 13.0
	NWSE 19.0	SWSE 25.0
	SESE 3.0	
	69.0 Acres Total	

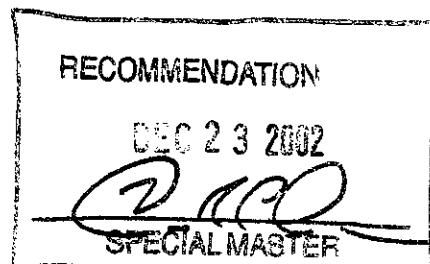
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 65-02965B

7002 DEC 23 AM 10:00

FILED
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT
[Signature]

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 44.40 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-7048B SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AF PER
ACRE.

PRIORITY DATE: 06/21/1966

POINT OF DIVERSION: T10N R03E S05 SWNW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	44.40 AFY
	Irrigation from Storage	04-01 TO 11-01	44.40 AFY

PLACE OF USE: Irrigation from Storage Within Valley County
T10N R03E S06 LOT 11 (SESW) 47.0 NESE 31.0
NWSE 23.0 SWSE 26.0
SESE 3.0
130.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-7048B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 130 ACRES 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

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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

RECOMMENDATION

DEC 23 2002

[Signature]
SPECIAL MASTER

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 65-07048B

2002 DEC 23 AM 10:00

FILED
7-848A
10/11/02
10/11/02

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 2.60 CFS
65.90 APY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-2965B SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AF PER
ACRE.

PRIORITY DATE: 08/21/1968

POINT OF DIVERSION: T10N R03E S05 SNNW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.60 CFS
	Irrigation Storage	01-01 TO 12-31	65.90 APY
	Irrigation from Storage	04-01 TO 11-01	65.90 APY

PLACE OF USE: Irrigation from Storage Within Valley County
T10N R03E S06 LOT 11 (SESW) 47.0 NESE 31.0
NWSE 23.0 SWSE 26.0
SESE 3.0
130.0 Acres Total

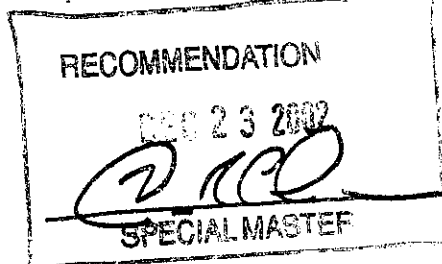
USE OF THIS RIGHT WITH RIGHT NO. 65-2965B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 130 ACRES IN A SINGLE
IRRIGATION SEASON.

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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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 65-07803B

2002 DEC 23 AM 10:00

FILED
TWIN FALLS CO. IDAHO
11/23/02

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: UNNAMED STREAMS TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 18.75 APY

THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AF PER
ACRE. NOS.: 65-131, 65-2965B, 65-7048B.

PRIORITY DATE: 01/04/1977

POINT OF DIVERSION: T10N R03E S06 NESE Within Valley County
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	05-01 TO 11-01	18.75 APY
	Irrigation from Storage	04-01 TO 11-01	18.75 APY
	Recreation Storage	04-01 TO 11-01	18.75 APY

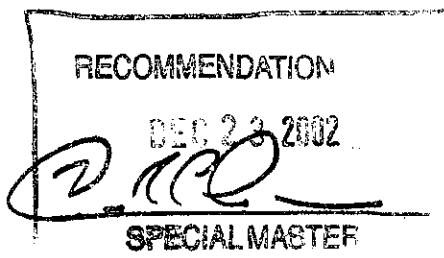
PLACE OF USE:	Irrigation Storage	Within Valley County
	T10N R03E S06 SWSE	
	Irrigation from Storage	Within Valley County
	T10N R03E S06 LOT 11 (SESW) 37.5	
	37.5 Acres Total	
	Recreation Storage	Within Valley County
	T10N R03E S06 SWSE	

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
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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 65-09092B

2002 DEC 23 AM 10:00

FILED
TWIN FALLS CO., IDAHO
JAN 10 2003

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 11.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/01/1944

POINT OF DIVERSION: T10N R03E S06 LOT 10 (NESW) Within Valley County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-01 TO 11-01	5.00 AFY
	Stockwater from Storage	01-01 TO 12-31	0.50 AFY
	Recreation Storage	01-01 TO 12-31	6.00 AFY
	Commercial Storage	01-01 TO 12-31	6.00 AFY

COMMERCIAL USE IS A LOG POND

PLACE OF USE:	Irrigation from Storage	Within Valley County
	T10N R03E S06 LOT 11 (SESW) 1.0	
	1.0 Acres Total	
	Stockwater from Storage	Within Valley County
	T10N R03E S06 LOT 10 (NESW)	
	Commercial Storage	Within Valley County
	T10N R03E S06 LOT 10 (NESW)	
	Recreation Storage	Within Valley County
	T10N R03E S06 LOT 10 (NESW)	

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

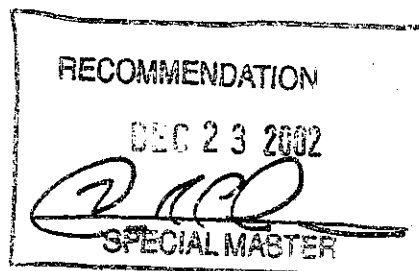
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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
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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 65-09093

2002 DEC 23 AM 10:00
FILED

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.13 CFS
1.40 APY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-9094 SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AF PER ACRE.

PRIORITY DATE: 06/15/1932

POINT OF DIVERSION: T10N R02E S01 SESE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.10 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS
			1.40 APY

PLACE OF USE: Irrigation Within Valley County
T10N R02E S01 SESE 5.0
5.0 Acres Total
Stockwater Within Valley County
Same as Irrigation

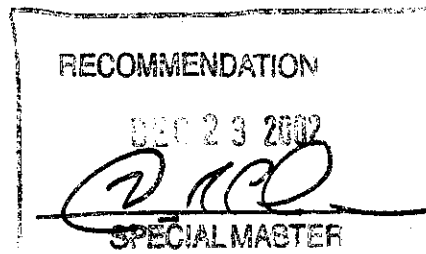
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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
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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 65-09094

2002 DEC 23 AM 10:00

FILED
TWIN FALLS, IDAHO
JAN 1 2003

NAME AND ADDRESS: MARY LEE BEAL
PO BOX 5
OLA, ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SQUAW CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM LITTLE
SQUAW CREEK.

QUANTITY: 14.00 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-09093 SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE.

PRIORITY DATE: 11/01/1965

POINT OF DIVERSION: T10N R02E S01 SESE (Rediversion) Within Valley County
R03E S06 LOT 10 (NESW)
LOT 10 (NESW) (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-01 TO 11-01	14.00 AFY

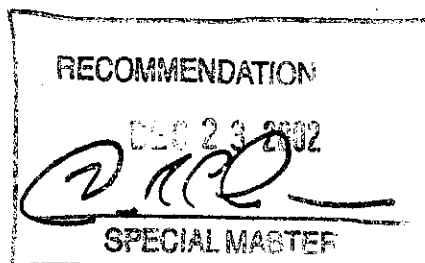
PLACE OF USE: Irrigation from Storage Within Valley County
T10N R02E S01 SESE 5.0
5.0 Acres Total

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
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

APPENDIX A

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

2002 DEC 23 AM 9:59

FILED
CLERK OF DISTRICT COURT
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-00131

65-02965B 65-07048B 65-07803B
65-09092B 65-09093 65-09094

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 December 23, 2002, with sufficient first-class postage prepaid to the following:

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

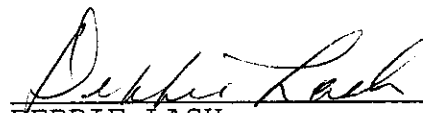
UNITED STATES OF AMERICA

Represented by:

DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MARY LEE BEAL
PO BOX 5
OLA, ID 83657
Phone: 208-584-3568

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

PAGE 1
12/23/02

702 DEC 23 AM 9:59

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

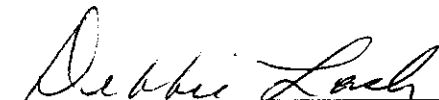
Water Right(s): 65-00131
65-02965B 65-07048B 65-07803B
65-09092B 65-09093 65-09094

On December 23, 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 December 23, 2002.


DEBBIE LASH
Deputy Clerk