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JAN 13 2003

2003 JAN 10 PM 3: 23

Department of Water Resources

FILED
TWIN FALLS CO., 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

) Subcases 36-10033, 36-10035, 36-10037
) (Salmon Falls Land & Livestock Co., Inc.),
) 36-10090 (Margaret and Sam Large),
) 36-10863A (Owyhee Ranches, Inc.),¹
) 36-11643 (W.H. and Velva Moller),
) 36-14807 (Vernon and Marilyn Phillips),
) 36-15152 (Roost Potato Co., Inc.),
) 36-15264A (Blaine and Deon Cook and
) Bruce and Rebecca Hunsaker),
) 36-15264B (Deon Cook and Rebecca
) Hunsaker) and
) 36-15356 [36-15356A] (Jack and Kent
) Harman)²
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION
)

Findings of Fact

On November 2, 1992, the Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)*. The Director recommended the

¹ On December 16, 1997, a *Special Master's Report* was entered recommending 36-10863 be decreed disallowed because the claim was split into 36-10863A and 36-10863B. Another *Special Master's Report*, entered the same date, recommended 36-10863A and 36-10863B be decreed as agreed to by the parties. However, on February 25, 1998, the Special Master entered an *Order Granting Motion to Alter or Amend* in subcase 36-10863A vacating that portion of the *Special Master's Report* because of the pending issue of subordination language. The *Special Master's Report* for 36-10863 remains valid and awaits a decree disallowing the water right. The *Special Master's Report* for 36-10863B was not vacated and awaits a partial decree. On July 26, 2002, IDWR filed *Notices of Completed Administrative Proceeding* in subcases 36-10863A and 36-10863B for changes in ownership (36-10863A / from Ross Hunsaker to Owyhee Ranches, Inc. and 36-10863B / from the USDI/BLM to Owyhee Ranches, Inc.), point of diversion and place of use.

² On May 24, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* in subcase 36-15356 for changes in the point of diversion and place of use and a split of the claim into 36-15356A and 36-15356B. On June 27, 2002, the United States of America, Department of Interior, Bureau of Land Management filed an *Amended Objection* in subcase 36-15356B objecting to place of use. Because the USDI/BLM's *Objection* remains unresolved, 36-15356B is excluded from this *Special Master Report and Recommendation*.

above 11 groundwater claims for irrigation use and noted that the claims were expansions pursuant to I.C. § 42-1416(2). When that statute was repealed in 1994, the claims were re-recommended as enlargements under the new statute, I.C. § 42-1426, sometimes referred to as the “amnesty statute.” However, this time IDWR included in its recommendation for all enlargement claims the following subordination language:

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right. This right is based on an enlargement of (base rights) pursuant to Section 42-1426, Idaho Code.

The claimants ³, along with other claimants who have since settled their claims, filed *Objections* to the recommended priority dates. Each claimant requested as their priority date the date of the base licensed right or the date of enlargement – between 1966 and 1984.

The respondents ⁴ filed *Joint Responses* in support of IDWR’s recommendations.

Opposing *Motions for Summary Judgment* were heard on July 8, 1998, and on September 11, 1998, the Special Master entered an ***Order on Motions for Summary Judgment*** holding as a matter of law that the Director of IDWR had the lawful authority and duty to recommend inclusion of subordination language in the claimants’ enlargement claims.

On October 31, 2002, the Special Master entered an ***Order Setting Deadline*** requiring the parties to file no later than December 31, 2002, either *Standard Forms 5* or stipulations resolving all remaining contested issues so a Special Master report and recommendation could be issued while reserving the claimants’ right to challenge the ***Order on Motions for Summary Judgment***. On November 12, 2002, counsel for the claimants wrote to the Court suggesting that IDWR submit its recommendations followed by the Special Master entering a report and recommendation:

Then, if any of our clients are aggrieved with the Special Master’s Final Report and Recommendations, they could exercise their rights in accordance with the procedures set forth by Administrative Order One. This would allow the case to

³(Salmon Falls Land & Livestock Company, Inc., Margaret and Sam Large, Owyhee Ranches, Inc., W.H. and Velta Moller, Vernon and Marilyn Phillips, Roost Potato Company, Inc., Blaine and Deon Cook and Bruce and Rebecca Hunsaker, Deon Cook and Rebecca Hunsaker, and Jack and Kent Harman)

⁴(Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur and Ralph Breeding)

move forward and prevent us from entering into a stipulation contrary to the authority given to us by our clients.

IDWR has not amended its recommendations for the above claims since entry of the *Order on Motions for Summary Judgment*.

Conclusions of Law

1. The claimants are entitled to partial decrees adjudicating water rights under claims 36-10033, 36-10035, 36-10037, 36-10090, 36-10863A, 36-11643, 36-14807, 36-15152, 36-15264A, 36-15264B and 36-15356A as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 36-10033, 36-10035, 36-10037, 36-10090, 36-10863A, 36-11643, 36-14807, 36-15152, 36-15264A, 36-15264B and 36-15356A*;
2. Jack and Kent Harman are **not** entitled to a water right under claim 36-15356, the claim having been split into 36-15356A and 36-15356B.

Recommendations

THEREFORE, IT IS RECOMMENDED that claim 36-15356 **not** be adjudicated as a water right.

DATED January 10, 2003.



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 36-10033

2003 JAN 10 PM 3:52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK
HENSLEE, J.
123 BELL RAPIDS ROAD
HAGERMAN, ID 83332

SOURCE: GROUNDWATER

QUANTITY: 0.96 CFS

PRIORITY DATE: 03/15/1975

POINT OF DIVERSION: T07S R14E S34 SESWNW Within Gooding County
NESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.96 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R14E S34	SWNW 30.0 SENW 12.0 NESW 38.0 NWSW 40.0 SWSW 40.0 SESW 40.0 SWSE 36.0 SESE 20.0
	T08S R14E S03 LOT 2	(NWNE) 35.0 LOT 3 (NENW) 35.0
	LOT 4	(NWNW) 34.0
	S04	NENE 10.0
	370.0 Acres Total	

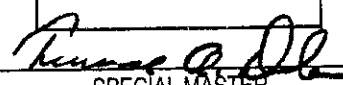
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

RECOMMENDATION

JAN 10 2003

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 10 PM 3: 52

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-10035

DISTRICT COURT - SEBA
 TWIN FALLS CO., IDAHO
 FILED

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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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-10037

2003 JAN 10 PM 3:52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SALMON FALLS LAND AND LIVESTOC
123 BELL RAPIDS ROAD
HAGERMAN, ID 83332

SOURCE: GROUNDWATER

QUANTITY: 1.65 CFS

PRIORITY DATE: 03/15/1974

POINT OF DIVERSION: T07S R14E S33 NENWSE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.65 CFS

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R14E S33	NESW 33.0	NWSW 33.0
		SWSW 33.0	SESW 33.0
		NESE 37.0	NWSE 33.0
		SWSE 33.0	SESE 40.0
	T08S R14E S04 LOT 1	(NENE) 30.0	LOT 2 (NWNE) 33.0
		SWNE 33.0	SENE 33.0
	404.0 Acres Total		

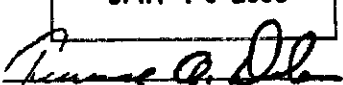
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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RECOMMENDATION

JAN 10 2003

SPECIAL MASTER

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-10090

2003 JAN 10 PM 3:52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: MARGARET LARGE
SAM C. LARGE
1005 W HWY 24
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 1.14 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-2268A AND 36-2238B IS
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION RATE OF 4.19 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 36-02268A IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1256 AF.

PRIORITY DATE: 03/15/1984

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE. THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T06S R22E S32 NENENW Within Lincoln County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.14 CFS

PLACE OF USE:	Irrigation	Within Lincoln County
T06S R22E S29	NESW 14.0	SWSW 31.0
	SESW 40.0	SWSE 33.0
	SESE 35.0	
S32	NENE 38.0	NWNE 33.0
	NENW 31.0	NWNW 33.0
	SWNW 26.0	
	314.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 36-02668A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 314 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02268A
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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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RECOMMENDATION

JAN 10 2003
Ronald A. DeLo
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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[illegible]

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

PLACE OF USE:	Irrigation		Within Blaine County
	T07S R25E S27	NENE 33.0	NWNE 33.0
		SWNE 33.0	SENE 33.0
		NESE 33.0	NWSE 33.0
		SWSE 33.0	SESE 33.0
	R26E S21	NENW 29.0	NWNW 29.0
		SWNW 29.0	SENE 29.0
		NESW 33.0	NWSW 33.0
		SWSW 33.0	SESW 33.0
		NESE 34.0	NWSE 34.0
		SWSE 34.0	SESE 34.0
	S22	NENE 34.0	NWNE 34.0
		SWNE 34.0	SENE 34.0
		NENW 34.0	NWNW 34.0
		SWNW 34.0	SENE 34.0
	S28	NENE 34.0	NWNE 34.0
		SWNE 34.0	SENE 34.0
		SWNW 34.0	SENE 34.0
		NESW 34.0	NWSW 34.0
		NESE 34.0	NWSE 34.0
		SWSE 34.0	SESE 34.0
	S29	SWNW 33.0	SENE 33.0
		NESW 33.0	NWSW 33.0
		SWSW 34.0	SESW 34.0
	S32	NENE 34.0	NWNE 34.0
		SWNE 34.0	SENE 34.0
		NENW 34.0	NWNW 34.0
		NESE 33.0	NWSE 33.0
		SWSE 33.0	SESE 33.0
	S33	NENE 34.0	NWNE 34.0
		SWNE 34.0	SENE 34.0
		NENW 33.0	NWNW 33.0
		SWNW 33.0	SENE 33.0
		NESW 33.0	NWSW 33.0
		SWSW 33.0	SESW 33.0
	T08S R25E S01	NESW 2.0	SWSW 32.0
		SESW 35.0	NWSE 1.0
		SWSE 32.0	SESE 18.0
	R26E S01	SWSW 39.0	
	S02	SESW 35.0	SWSE 35.0
		SESE 35.0	
	S04 LOT 3	(NENW) 34.0	LOT 4 (NWNW) 34.0
		SWNW 34.0	SENE 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S06 LOT 7	(SWSW) 7.0	SESW 12.0
	S07	NENE 27.0	NWNE 29.0
		SWNE 28.0	SENE 33.0
		NENW 40.0	LOT 1 (NWNW) 38.0
	LOT 2	(SWNW) 30.0	SENE 37.0
		NESW 31.0	LOT 3 (NWSW) 31.0
	LOT 4	(SWSW) 31.0	SESW 31.0
		NESE 36.0	NWSE 36.0
		SWSE 36.0	SESE 36.0
	S08	SWNE 11.0	SENE 12.0
		NENW 3.0	NWNW 4.0
		SWNW 37.0	SENE 37.0
		NESW 38.0	NWSW 36.0
		SWSW 33.0	SESW 38.0
		NESE 39.0	NWSE 38.0
		SWSE 29.0	SESE 29.0
	S09	NWNE 36.0	NENW 36.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

		NWNW 36.0		NWSW 35.0
		SWSW 35.0		
S11		NENE 34.0		NWNE 34.0
		SWNE 34.0		SENE 34.0
		NENW 34.0		SNNW 34.0
		SENW 34.0		NESW 34.0
		NWSW 34.0		SWSW 34.0
		SESW 34.0		NESE 34.0
		NWSE 34.0		SWSE 38.0
		SESE 36.0		
S12		NENE 34.0		NWNE 34.0
		SWNE 34.0		SENE 34.0
		NENW 34.0		NWNW 34.0
		SNNW 34.0		SENW 34.0
		NESW 34.0		NWSW 34.0
		SWSW 34.0		SESE 33.0
		NESE 33.0		NWSE 33.0
		SWSE 33.0		SESE 33.0
S13		NENE 34.0		NWNE 35.0
		SWNE 21.0		SENE 34.0
		NENW 32.0		NWNW 30.0
		SNNW 4.0		SENW 15.0
S14		NENE 30.0		NWNE 11.0
R27E S07		NENW 34.0	LOT 1	(NWNW) 17.0
	LOT 2	(SNNW) 25.0		SENW 34.0
	LOT 3	(NWSW) 31.0	LOT 4	(SWSW) 31.0
S18 LOT 1	(NWNW) 31.0	LOT 2	(SNNW) 31.0	
5447.0 Acres Total				

USE OF RIGHT NOS. 36-2090A, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2532A, 36-2532B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7627, 36-8227, 36-10515, 36-10850A, 36-16041, 36-16042, 36-10863A, 36-10863B, 36-15264A AND 36-15264B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL 5,185.0 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHTS 36-2090A, 36-2090B, 36-2582A, 36-2582B, 36-7246A, 36-7246B, 36-8227, 36-10850A, 36-16041, 36-16042, 36-10863A AND 36-10863B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1965.0 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 175.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

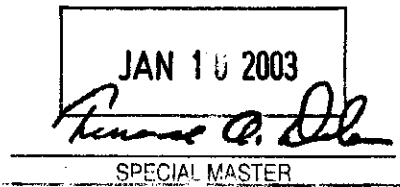
USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 130, THOUSAND SPRINGS AREA.

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.

RECOMMENDATION



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

2003 JAN 10 PM 3:52

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-11643

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: W H & VELVA MOLLER
824 6TH ST
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/01/1981

POINT OF DIVERSION: T07S R24E S29 NENWNE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation		Within Minidoka County
	T07S R24E S20	NESW 1.0	NWSW 6.0
		SWSW 38.0	SESW 37.0
		SWSE 3.0	
	S21	SWSW 2.0	
	S28	NENW 30.0	NWNW 39.0
		SWNW 39.0	SENW 38.0
	S29	NENE 37.0	NWNE 38.0
		SWNE 25.0	SENE 38.0
		NENW 39.0	NWNW 38.0
	448.0 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
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RECOMMENDATION

JAN 10 2003

SPECIAL MASTER

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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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-14807

2003 JAN 10 PM 3:52
DISTRICT COURT OF SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: VERNON C & MARILYN L PHILLIPS
RT 1 BOX 1222
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.45 CFS

PRIORITY DATE: 05/26/1971

POINT OF DIVERSION: T08S R21E S24 NENESE Within Jerome County
NESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.45 CFS

PLACE OF USE:	Irrigation	Within Jerome County
T08S R21E S24	SWNE 26.0	NESW 40.0
	SESW 40.0	NESE 40.0
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
S25	NENE 40.0	NWNE 40.0
	SWNE 31.0	NENW 40.0
R22E S25	SENE 20.0	SENW 14.0
		Within Minidoka County
S30 LOT 1	(NWNW)40.0	LOT 2 (SWNW)35.0
LOT 3	(NWSW)16.0	
542.0 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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RECOMMENDATION

JAN 10 2003

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 10 PM 3: 52

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-15152

DISTRICT ATTORNEY - SRBA
 TWIN FALLS CO., IDAHO
 FILED

PAGE 1
Jan-03-2003

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 36-15264A

2003 JAN 10 PM 3:52

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BLAINE COOK
C/O STEVE YOUNG
PO BOX 707
RUPERT, ID 83350

BRUCE HUNSAKER
DEON COOK
REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY, ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.68 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-02433 AND 36-15264B IS
LIMITED TO A TOTAL COMBINED DEVERSION RATE OF 5.04 CFS AND A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1544 AF.

PRIORITY DATE: 08/24/1966

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07S R26E S29 SWNWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.68 CFS

PLACE OF USE:	Irrigation	Within Blaine County	
	T07S R26E S29	NENE 4.0 SWNE 29.0 SWNW 31.0 NESW 31.0 SWSW 31.0 NWSE 30.0 S32 386.0 Acres Total	NWNE 35.0 NENW 35.0 SENE 34.0 NWSW 31.0 SESW 32.0 NWNW 31.0

USE OF THIS RIGHT WITH RIGHT NOS. 36-02433 AND 36-15264B IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 386 ACRES IN A
SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02433
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.

RECOMMENDATION

JAN 10 2003
Ronald A. Olson
SPECIAL MASTER

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 36-15264B

2003 JAN 10 PM 3:52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DEON COOK
REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY, ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.71 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-02433 AND 36-15264A IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.04 CFS AND A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1544 AFS

PRIORITY DATE: 08/04/1979

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07S R26E S29 SWNWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.71 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T07S R26E S29	NENE 4.0 NWNE 35.0 SWNE 29.0 NENW 35.0 SWNW 31.0 SENW 34.0 NESW 31.0 NWSW 31.0 SWSW 31.0 SESW 32.0 NWSE 30.0 NENW 32.0 NWNW 31.0
	S32	
	386.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS. 36-02433 AND 36-15264A IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 386 ACRES IN A
SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02433
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.

RECOMMENDATION

JAN 10 2003

Thomas A. DeLo

SPECIAL MASTER

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 36-15356A

2003 JAN 10 PM 3:52

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: JACK HARMAN
KENT HARMAN
1500 N 461-A E
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.22 CFS
66.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02415A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.77 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1140 AF.

PRIORITY DATE: 06/30/1973

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07S R24E S12 SESENE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.22 CFS 66.00 AFY

PLACE OF USE:	Irrigation	Within Minidoka County
	T07S R24E S12	NENE 33.0 NWNE 33.0 SWNE 40.0 SENE 33.0 NESE 40.0 NWSE 40.0 SWSE 33.0 SESE 33.0
	285.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 36-02415A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 285 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS FOR AN ENLARGEMENT OF 16.5 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02415A
PURSUANT TO SECTION 42-1426, IDAHO CODE.
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.

RECOMMENDATION

JAN 10 2003

Renard A. DeLeon

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 10 PM 3:52

DISTRICT COURT-SRBA
TWIN FALLS CO., 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

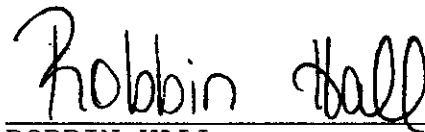
Water Right(s): 36-10033

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:52

DISTRICT COURT-SRBA
TWIN FALLS CO., 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

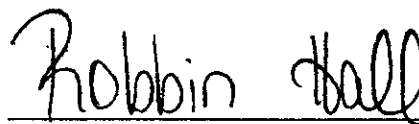
Water Right(s): 36-10035

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3: 52

DISTRICT COURT - SRBA
TWIN FALLS CO., 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

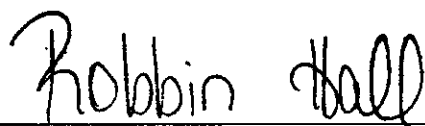
Water Right(s): 36-10037

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3: 52

DISTRICT COURT - SRBA
TWIN FALLS CO., 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

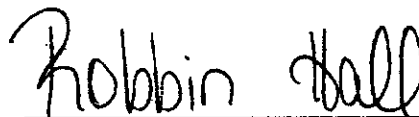
Water Right(s) : 36-10090

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3: 53

FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., 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): 36-10863A

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

FILED
TWIN FALLS CO., 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

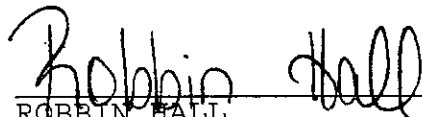
Water Right(s): 36-11643

On January 10, 2003, 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 January 10, 2003.


ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

DEPT. OF AGRICULTURE
TWIN FALLS CO., 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): 36-14807

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

FILED
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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): 36-15152

On January 10, 2003, 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 January 10, 2003.


ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

NOTICE OF SRBA
TWIN FALLS CO., 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

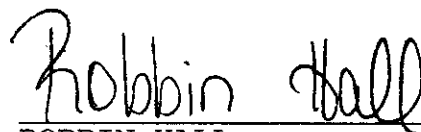
Water Right(s): 36-15264A

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

FILED
DIST. COURT - SRBA
TWIN FALLS CO., 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

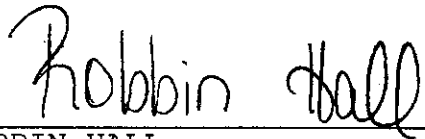
Water Right(s): 36-15264B

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

FILED
TWIN FALLS CO., 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

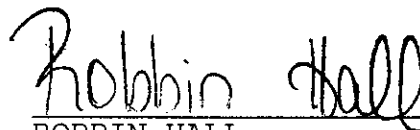
Water Right(s): 36-15356A

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

2003 JAN 10 PM 3:53

FILED
TWIN FALLS CO., 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): 36-15356

On January 10, 2003, 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 January 10, 2003.



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on January 10, 2003, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

ABERDEEN-AMERICAN FALLS GROUND
BINGAHM GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
JOINT RESPONSE
MACK NEIBAUER
MACK NEIBUAR
MAGIC VALLEY GROUND WATER DIST
RALPH E BREIDING
TIM DEEG

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DORIS HUNSAKER
ROSS HUNSAKER

Represented by:
RICHARD K. SMITH
PO BOX 910
BURLEY, ID 83318
Phone: 208-678-8382

DALE H. KLINGLER
JACK AND KENT HARMAN
JACK HARMAN
MARGARET LARGE
ROOST POTATO CO.
SALMON FALLS LAND & LIVESTOCK
SALMON FALLS LAND AND LIVESTOC
SAM C. LARGE
SAMUEL & MARGARET LARGE
VERNON & MARILYN PHILLIPS
W.H. AND VELVA MOLLER

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BLAINE COOK
OWYHEE RANCHES INC
C/O STEVE YOUNG
PO BOX 707
RUPERT, ID 83350

ROOST POTATO CO. INC.
CALVIN JONES, PRESIDENT
952 SOUTH 1400 EAST
EDEN, ID 83325
Phone: 208-420-2921

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

VERNON C & MARILYN L PHILLIPS
RT 1 BOX 1222
PAUL, ID 83347
Phone: 208-438-5906

(Certificate of mailing continued)

JACK HARMAN
KENT HARMAN
1500 N 461-A E
RUPERT, ID 83350

BRUCE HUNSAKER
DEON COOK
REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY, ID 83318
Phone: 208-678-0327

W H & VELVA MOLLER
824 6TH ST
RUPERT, ID 83350
Phone: 208-436-3333

Robbin Hall

Deputy Clerk