

RECEIVED 2002 JUL 16 PM 1:28  
JUL 17 2002 DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
Department of Water Resources 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 ) Subcase 43-11142  
Case No. 39576 ) (Bowcut)  
 )  
 ) SPECIAL MASTER REPORT

Noel B. Bowcut, Key Ranch, 19 Granada Place, Burley, Idaho 83318, filed a *Notice of Claim to a Water Right* on July 12, 1995, claiming 1.4 cfs from Clyde Creek for irrigation of 120 acres in Cassia County from April 1 to October 31 with a priority date of October 18, 1928, based on beneficial use. 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.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. However, on July 5, 2002, Mr. Bowcut, the United States and IDWR filed a *Standard Form 5* adding to the place of use the remark: "Place of use does not include Federal public lands."

**Conclusions of Law**

Noel B. Bowcut is entitled to a partial decree adjudicating a water right under claim 43-11142 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-11142*.

DATED July 16, 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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 43-11142

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DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: NOEL B BOWCUT  
KEY RANCH  
19 GRANADA PL  
BURLEY, ID 83318

SOURCE: CLYDE CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 1.40 CFS

PRIORITY DATE: 10/18/1928

POINT OF DIVERSION: T13S R24E S21 SWNESW Within Cassia County  
S22 SWSWSW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 1.40 CFS |

| PLACE OF USE: | Irrigation        |           | Within Cassia County |
|---------------|-------------------|-----------|----------------------|
|               | T13S R24E S27     | NWNW 12.0 | SWNW 29.0            |
|               |                   | SENW 33.0 | NESW 30.0            |
|               |                   | NWSW 16.0 |                      |
|               | 120.0 Acres Total |           |                      |

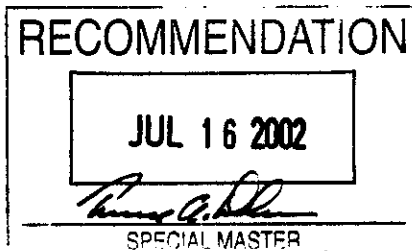
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-80 AND 43-11142.  
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

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 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

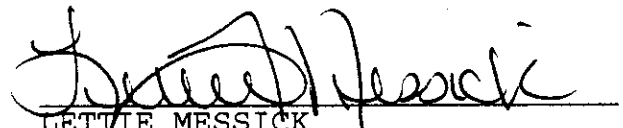
Water Right(s): 43-11142

On July 16, 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 July 16, 2002.

  
LETTIE MESSICK  
Deputy Clerk

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In Re SRBA )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 43-11142

CERTIFICATE OF MAILING

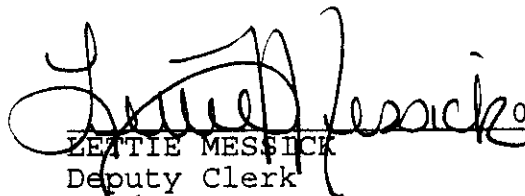
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 16, 2002, with sufficient first-class postage prepaid to the following:

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

NOEL B BOWCUT  
KEY RANCH  
19 GRANADA PL  
BURLEY, ID 83318  
Phone: 208-678-0080

CERTIFICATE OF MAILING

  
LETTIE MESSICK  
Deputy Clerk  
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07/16/02