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Department of Water Resources

DISTRICT COURT-SRBA
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

) **Subcase 43-00329**

) **(Ward)**

Case No. 39576

)

SPECIAL MASTER REPORT

Findings of Fact

Paul and Beverly Ward, 1960 S. Elba / Almo Road, Elba, Idaho 83342, filed an *Amended Notice of Claim to a Water Right* on May 25, 1989, claiming 1 cfs from Cassia Creek to irrigate 136 acres in Cassia County from April 1 to November 1 with a priority date of April 30, 1877, 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 as filed but for 1 cfs from Cassia Creek and Cottonwood Creek for irrigation of 88 acres from April 1 to October 31.

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, the Wards, 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

The Wards are entitled to a partial decree adjudicating a water right under claim 43-00329 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00329*.

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

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In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00329

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

NAME AND ADDRESS: BEVERLY WARD
PAUL A WARD
1960 S ELBA/ALMO RD
ELBA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER
COTTONWOOD CREEK CLYDE CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/30/1877

POINT OF DIVERSION: T13S R24E S25 NESWNW Within Cassia County
T14S R25E S06 NWSWNE

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 Cassia County
T13S R25E S29 SESW 34.0 SWSE 16.0
S32 NWNE 24.0 SWNE 14.0
88.0 Acres Total

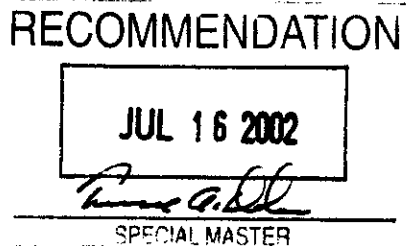
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 88 ACRES IN A SINGLE IRRIGATION SEASON.^^
COMBINED RIGHT NOS.: 43-00328, 43-00329, 43-00330, AND 43-00331.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

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, IDAHO

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

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-00329

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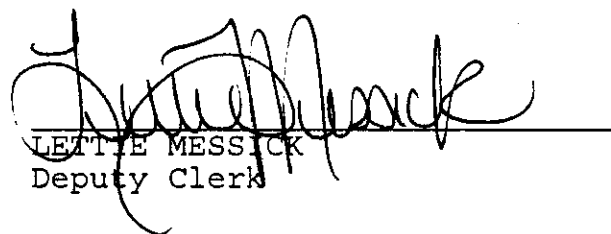
Department of Water Resources

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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 43-00329

CERTIFICATE OF MAILING

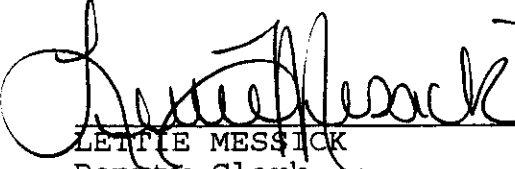
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 16, 2002, with sufficient first-class postage prepaid to the following:

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

BEVERLY WARD
PAUL A WARD
1960 S ELBA/ALMO RD
ELBA, ID 83342
Phone: 208-638-5526

CERTIFICATE OF MAILING


LETIE MESSICK
Deputy Clerk

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7/16/02