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Department of Water Resources

2002 JUL 29 AM 8:57

DISTRICT COURT-SRBA
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**

In Re SRBA) **Subcase 43-10620**
) **(Ward)**
Case No. 39576)
) **SPECIAL MASTER REPORT**

Findings of Fact

Art and Beth Ward filed a *Notice of Claim to a Water Right* under 43-10255 on May 18, 1989, claiming .02 cfs from groundwater for year-'round stock use in Cassia County with a priority date of December 31, 1986, 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 Ward claim as 43-10620 to Beverly and Paul Ward, 1960 South Elba / Almo Road, Elba, Idaho 83342.

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 18, 2002, the Wards, the United States and IDWR filed a *Standard Form 5* agreeing to add the phrase: "Place of use does not include federal public land."

Conclusions of Law

Beverly and Paul Ward are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Water Right 43-10620*.

DATED July 29, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-10620

On July 29, 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 29, 2002.


LETTIE MESSICK
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-10620

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 29, 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

[Signature: Lettie Messick] PAGE 1
07/29/02
LETTIE MESSICK
Deputy Clerk