

RECEIVED

JUL 30 2002

Department of Water Resources

2002 JUL 29 PM 2:34

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 43-00341**

) **(Ward)**

Case No. 39576

) **SPECIAL MASTER REPORT**

Findings of Fact

Douglas Ward, P.O. Box 102, Almo, Idaho 83312, filed a *Notice of Claim to a Water Right* on August 18, 1989, claiming 4.46 cfs from springs to irrigate 223 acres in Cassia County from March 15 to November 15 with a priority date of April 30, 1887, 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 1.22 cfs to irrigate 61 acres within a 158 acre place of use 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 26, 2002, Douglas Ward, the United States and IDWR filed a *Standard Form 5* agreeing to add the phrase: "Place of use does not include federal public lands."

Conclusions of Law

Douglas Ward is entitled to a partial decree adjudicating a water right under claim 43-00341 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00341*.

DATED July 29, 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 43-00341

2002 JUL 29 PM 2:34
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: DOUGLAS WARD
PO BOX 102
ALMO, ID 83312

SOURCE: SPRINGS TRIBUTARY: CASSIA CREEK

QUANTITY: 1.22 CFS

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION: T13S R24E S33 NESENE Within Cassia County
S34 SENWSW
NESESW
NWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.22 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R24E S33	NENE 13.0 SENE 21.0
	S34	NENW 1.5 NWNW 14.0
		SWNW 38.0 SENW 23.0
		NESW 33.0 NWSW 4.5
		SESW 10.0
	158.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-338, 43-339, 43-340, AND 43-341.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 205.
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

JUL 29 2002

[Signature]
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUL 30 2002

Department of Water Resources

2002 JUL 29 PM 2:34

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
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-00341

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

RECEIVED

JUL 30 2002

Department of Water Resources

2002 JUL 29 PM 2:34

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-00341

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

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

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

CERTIFICATE OF MAILING

PAGE 1
07/29/02

DOUGLAS WARD
PO BOX 102
ALMO, ID 83312
Phone: 208-824-5738


LETTIE MESSICK
Deputy Clerk