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Department of Water Resources

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 43-04241**
) **(Ward)**
Case No. 39576)
) **SPECIAL MASTER REPORT**

Findings of Fact

Robert and Nancy Ward, P.O. Box 1580, Elba, Idaho 83326, filed a *Notice of Claim to a Water Right* under 43-04241 on May 16, 1989, claiming 3.6 cfs from waste water for irrigation of 50 acres in Cassia County from April 1 to November 1 with a priority date of May 25, 1907, 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 for 1 cfs to irrigate 49.5 acres from April 1 to October 31 with a priority date of April 1, 1939.

On May 23, 2002, the Wards were granted leave to file a late objection to priority date. On July 18, 2002, the Wards and IDWR filed a *Standard Form 5* agreeing to a priority date of May 25, 1907.

Conclusions of Law

Robert and Nancy 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 43-04241*.

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 43-04241

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

NAME AND ADDRESS: NANCY WARD
ROBERT W WARD
PO BOX 1580
ELBA, ID 83326

SOURCE: WASTE WATER
WASTE WATER

TRIBUTARY: EDWARDS CREEK
ALMO CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/25/1907

POINT OF DIVERSION: T15S R24E S24 SWSENE Within Cassia County
NWNESE

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

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R24E S24	SENE 7.1 SESE 5.0 R25E S19 LOT 3 (NWSW) 1.5 49.5 Acres Total
		NESE 34.0 LOT 4 (SWSW) 1.9

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43D.

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

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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

In Re SRBA

Case No. 39576

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)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-04241

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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DISTRICT COURT-SR3A
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-04241

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

NANCY WARD
ROBERT W WARD
PO BOX 1580
ELBA, ID 83326
Phone: 208-824-5589

STEVE WARD
PO BOX 1590
MALTA, ID 83342
Phone: 208-436-1111


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/29/02