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JUN 11 2002

Department of Water Resources
Adjudication Bureau

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

JUN 10 PM 4:40
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
DM

In Re SRBA	)	Subcases 43-04069 and 43-07144
	)	(Black)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

J. Spencer Black and Jay L. Black filed a *Notice of Claim to a Water Right* under 43-04069 on May 31, 1989, claiming 2.5 cfs from Taters Creek for year-'round stockwater use and for irrigation of 376 acres from February 1 to November 30 with a priority date of April 1, 1880, 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 claim 43-04069 as filed, but to Sharon and Jay Black, P.O. Box 103, Almo, Idaho 83312 for irrigation of 160 acres within a 398 acre place of use from April 1 to October 31. The Director also identified 43-07144 as an overlapping claim and recommended it to Jay L. Black for 1.58 cfs from groundwater for irrigation of 277 acres within the same 398 acre place of use from April 1 to November 1 with a priority date of November 8, 1979, based on a license.

On February 8, 2002, the United State of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 43-04069 to priority date, point of diversion and place of use. No one objected to claim 43-07144. On June 7, 2002, the Blacks, the United States and IDWR filed a *Standard Form 5* in subcase 43-07144 agreeing to amend the place of use for stockwater use.

Conclusions of Law

The Blacks are entitled to partial decrees adjudicating water rights under claims 43-04069 and 43-07144 as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-04069 and 43-07144*.

DATED June 10, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-04069

2002 JUN 10 PM 4:40
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

NAME AND ADDRESS: JAY L BLACK
SHARON P BLACK
PO BOX 103
ALMO, ID 83312

SOURCE: TATERS CREEK TRIBUTARY: EDWARDS CREEK

QUANTITY: 2.50 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION: T15S R24E S01 NWSWS Within Cassia County
S12 NWNENW
NWNENW
NWNENW
NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.50 CFS
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE: Irrigation Within Cassia County

T15S R24E S01	SWSW 21.0	SESW 12.0
	SWSE 24.0	
S12	NENE 22.0	NWNE 40.0
	SWNE 39.0	SENE 7.7
	NENW 41.0	NWNW 38.0
	SWNW 40.0	SESW 41.0
R25E S06 LOT 07 (SWSW)	14.0	SESW 6.5
S07	NENW 2.8	LOT 01 (NWNW) 19.0
LOT 02 (SWNW)	30.0	
398.0 Acres Total		

Stockwater Within Cassia County

T15S R24E S01	SWSW	SESW
	SWSE	
S12	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SESW
R25E S06 LOT 07 (SWSW)		SESW
S07	NENW	LOT 01 (NWNW)
LOT 02 (SWNW)		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-7144 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 398 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL

OTHER PROVISIONS (continued)

USE.

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

JUN 10 2002

Roger E. Burdick
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

202 JUN 10 PM 4:40

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-07144

NAME AND ADDRESS: JAY L BLACK
PO BOX 103
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 1.58 CFS
670.70 AFY

PRIORITY DATE: 11/08/1979

POINT OF DIVERSION: T15S R24E S12 NENWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.58 CFS
			670.70 ACRY

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R24E S01	SWSW 21.0
		SESW 12.0
	S12	SWSE 24.0
		NENE 22.0
		NWNE 40.0
		SWNE 39.0
		SENE 7.7
		NENW 41.0
		NWNW 38.0
		SWNW 40.0
	R25E S06 LOT 07 (SWSW) 14.0	SESW 6.5
	S07	NENW 2.8
		LOT 01 (NWNW) 19.0
	LOT 02 (SWNW) 30.0	
	398.0 Acres Total	

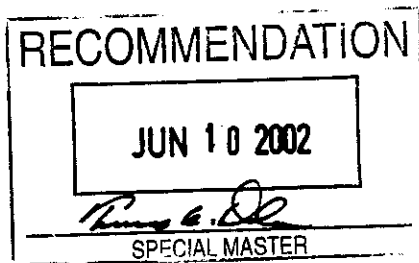
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 277 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-4069 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398 ACRES IN A SINGLE IRRIGATION SEASON.

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

2002 JUN 10 PM 4:40

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

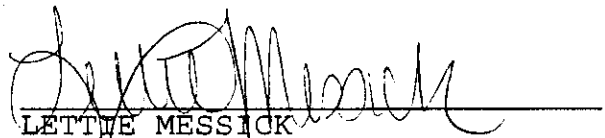
Water Right(s): 43-04069

On June 10, 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.

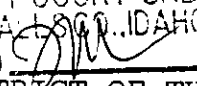
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 June 10, 2002.


LETTIE MESSICK
Deputy Clerk

2002 JUN 10 PM 4:40

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-04069

CERTIFICATE OF MAILING

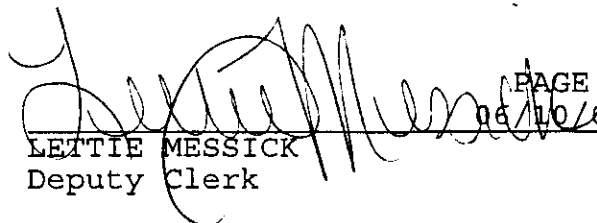
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 10, 2002, with sufficient first-class postage prepaid to the following:

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

JAY L BLACK
SHARON P BLACK
PO BOX 103
ALMO, ID 83312
Phone: 208-824-5593

CERTIFICATE OF MAILING


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06/10/02
LETTIE MESSICK
Deputy Clerk

2002 JUN 10 PM 4: 40

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

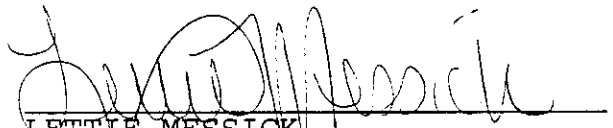
Water Right(s) : 43-07144

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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 June 10, 2002.


LETTIE MESSICK
Deputy Clerk

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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

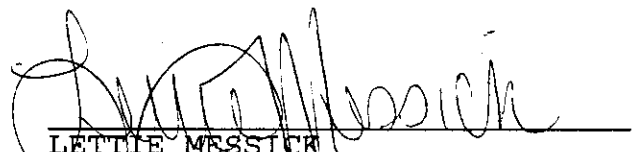
Water Right(s): 43-07144

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 June 10, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JAY L BLACK
PO BOX 103
ALMO, ID 83312
Phone: 208-824-5593



LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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