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JUN 24 2002

Department of Water Resources

JUN 21 2002 11:29

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
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) Subcases 35-02540, 35-02821, 35-02821A,
Case No. 39576) 35-02821B, 35-07246J, 35-07246K and
35-07246L (Stewart)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III, Volume Two (IDWR Basin 35)* on January 29, 1999. The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity, other provisions and alleging the water rights should not exist.

IDWR filed a *Notice of Completed Administrative Proceeding* on February 9, 2000, for changes in the place of use, a split of 35-02821 into 35-02821A and 35-02821B and a split of 35-07246J into 35-07246K and 35-07246L. The claimant is Reid G. Stewart, 3100 West, 1000 South, Aberdeen, Idaho 83210.

On August 27, 2001, the Special Master entered an *Order Granting Respondents' Motions for Partial Summary Judgment* in consolidated subcases 35-07200 and 41-02016 dismissing the Canal Company *Objections*.

Conclusions of Law

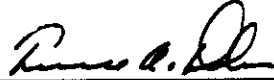
Reid G. Stewart is entitled to partial decrees adjudicating water rights under claims 35-02540, 35-02821A, 35-02821B, 35-07246K and 35-07246L as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-02540, 35-02821A, 35-02821B, 35-07246K and 35-07246L*.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. Claim 35-02821 **not** be adjudicated as a water right the claim having been split into 35-02821A and 35-02821B, and
2. Claim 35-07246J **not** be adjudicated as a water right the claim having been split into 35-07246K and 35-07246L.

DATED June 21, 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 35-02821A

JUN 21 PM 4:29
FILED

NAME AND ADDRESS: REID G STEWART
3100 W 1000 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 3.71 CFS
741.60 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-07246K IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.41 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1020 AF.

PRIORITY DATE: 05/02/1960

POINT OF DIVERSION: T04S R30E S24 NENWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.71 CFS 741.60 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R30E S24	SWNW 35.0 SENW 2.0 NESW 25.0 NWSW 30.0 SWSW 36.0
	S25	NENW 33.0 NWNW 26.0 SWNW 35.0 SENW 33.0
	255.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185.4 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 35-07246K IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 255 ACRES IN A SINGLE
IRRIGATION SEASON.

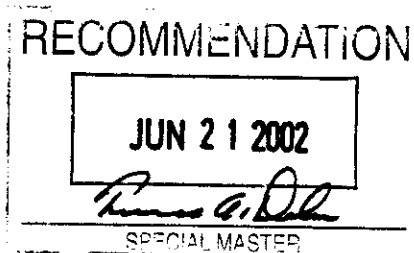
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 35-02821B

2002 JUN 21 21 0:29
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
FILED *DM*

NAME AND ADDRESS: REID G STEWART
3100 W 1000 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.13 CFS
26.40 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.86 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1052 AF. COMBINED RIGHT
NOS.: 35-02312B, 35-02540, 35-07246L, 35-07246N.

PRIORITY DATE: 05/02/1960

POINT OF DIVERSION: T04S R31E S30 NWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.13 CFS 26.40 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R30E S25	SESE 30.0
	R31E S30	NESW 32.0
		SWSW 35.0
		NWSE 32.0
	S31	NWNE 30.0
		NENW 30.0
		SENW 25.0
	345.0 Acres Total	

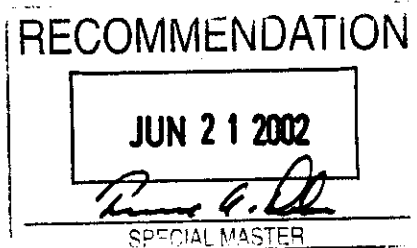
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.6 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:
35-02312B, 35-02540, 35-07246L, 35-07246N

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

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 35-07246K

2002 JUN 21 PM 4:29
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO
FILED *me*

NAME AND ADDRESS: REID G STEWART
3100 W 1000 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.70 CFS
278.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-02821A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.41 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1020 AF.

PRIORITY DATE: 09/05/1972

POINT OF DIVERSION: T04S R30E S24 NENWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.70 CFS 278.40 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R30E S24	SWNW 35.0 SENW 2.0 NESW 25.0 NWSW 30.0 SWSW 36.0
	S25	NENW 33.0 NWNW 26.0 SWNW 35.0 SENW 33.0
	255.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69.6 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

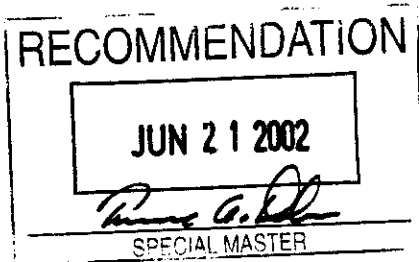
USE OF THIS RIGHT WITH RIGHT NO. 35-02821A IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 255 ACRES IN A SINGLE
IRRIGATION SEASON.

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).

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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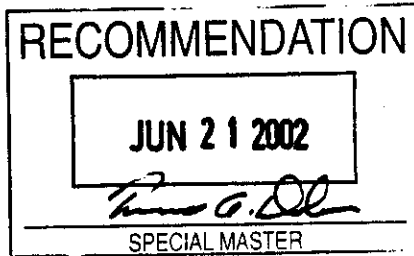
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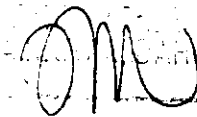


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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 35-02540

JUN 21 01:29
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO


NAME AND ADDRESS: REID G STEWART
3100 W 1000 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.74 CFS
876.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.86 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1052 AF. COMBINED RIGHT
NOS.: 35-02312B, 35-02821B, 35-07246L, 35-07246N.

PRIORITY DATE: 06/05/1958

POINT OF DIVERSION: T04S R31E S30 NWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.74 CFS 876.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R30E S25	SESE 30.0
	R31E S30	NESW 32.0 SWSW 35.0 NWSE 32.0 NWNE 30.0 NENW 30.0
	S31	SWSE 32.0 SWNE 30.0 SENE 25.0
	345.0 Acres Total	

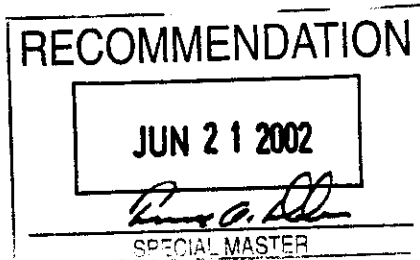
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 137 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:
35-02312B, 35-02821B, 35-07246L, 35-07246N.

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
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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

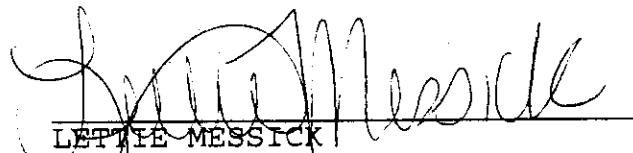
Water Right(s): 35-02821
35-07246J

On June 21, 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 21, 2002.


LETTIE MESSICK
Deputy Clerk

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Department of Water Resources

JUN 21 2002

FILED
CLERK
JUN 21 2002
TWIN FALLS

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): 35-02821
35-07246J

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 21, 2002, with sufficient first-class postage prepaid to the following:

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

REID G STEWART

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk
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Department of Water Resources

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

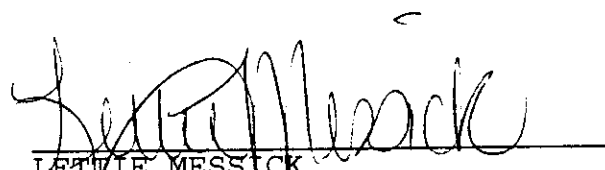
Water Right(s): 35-02540
35-02821A 35-02821B 35-07246K
35-07246L

On June 21, 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.

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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 21, 2002.


LETTIE MESSICK
Deputy Clerk

RECEIVED

JUN 24 2002

Department of Water Resources

JUN 27 2002

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): 35-02540
35-02821A 35-02821B 35-07246K
35-07246L

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 21, 2002, with sufficient first-class postage prepaid to the following:

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

REID G STEWART
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

PAGE 1
06/21/02

REID G STEWART
3100 W 1000 S
ABERDEEN, ID 83210


LETTIE MESSICK
Deputy Clerk