

2002 JUN 24 AM 10:13

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 51-02107
	)	

I. FINDINGS OF FACT

On March 19, 2001, Judge Burdick issued a *Partial Decree* for water right 65-02107. On June 15, 2001, the SRBA District Court received correspondence from Eugene A. Tindall regarding the above-captioned water right. Accordingly, the correspondence from Mr. Tindall was treated as a motion to set-aside partial decree. On June 26, 2001, the Court entered an *Order of Reference to Special Master Thomas R. Cushman* to determine the intended purpose of the correspondence and provide a recommendation to the Court as to the disposition of the matter.

The *Objection* to this water right was resolved on May 1, 2002, with the filing of a *Standard Form 5*. Eugene and Mary Tindall and IDWR have signed the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 51-02107 be **decreed** with the elements as set forth in the *Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 24, 2002.



THOMAS R. CUSHMAN
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 51-02107

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DIST. COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: EUGENE A TINDALL
MARY M TINDALL
HC 85 BOX 167
BRUNEAU, ID 83604

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JUN 25 2002

Department of Water Resources

SOURCE: GROUNDWATER

QUANTITY: 2.96 CFS
696.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 51-07110A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.29 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1856 AF.

THIS RIGHT AND RIGHT NOS. 51-07110A & 51-07110B ARE
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.32 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1864 AF.

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

PRIORITY DATE: 04/22/1949

POINT OF DIVERSION: T07S R05E S21 SESWS Within Owyhee County
S28 NESWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.96 CFS
			696.00 AFY
	Stockwater	01-01 TO 12-31	0.23 CFS
			13.40 AFY

PLACE OF USE:	Irrigation		Within Owyhee County
	T07S R05E S20	SESE 18.0	
	S21	NENW 34.0	NWNW 33.0
		SWNW 39.0	SENW 33.0
		NESW 31.0	NWSW 29.0
		SWSW 38.0	
	S28	SWNE 19.0	NWNW 40.0
		SWNW 34.0	SENW 19.0
		NESW 34.0	NWSW 5.0
		NWSE 35.0	
	S29	NENE 23.0	
	464.0 Acres Total		

Stockwater Within Owyhee County
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NO. 51-07110A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 464 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT AND RIGHT NOS. 51-07110A AND 51-07110B ARE LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 466 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 174 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

OTHER PROVISIONS (continued)

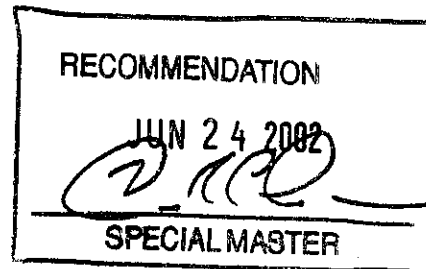
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 51-02107

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 24, 2002, with sufficient first-class postage prepaid to the following:

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

EUGENE A TINDALL
MARY M TINDALL
HC 85 BOX 167
BRUNEAU, ID 83604
Phone: 208-845-2821

CERTIFICATE OF MAILING

Debbie Lash
DEBBIE LASH
Deputy Clerk

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 51-02107

On June 24, 2002, Special Master THOMAS R CUSHMAN 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 24, 2002.


DEBBIE LASH
Deputy Clerk