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Department of Water Resources

2002 JUN 24 AM 10:10

DISTRICT COURT SRBA
TWIN FALLS CO., 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

) SPECIAL MASTER'S REPORT

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

)
) FOR WATER RIGHT 57-10902
)

I. FINDINGS OF FACT

A *Partial Decree* was entered for the above-captioned water right on December 15, 1997. The period of use element was decreed as "irrigation season" for the irrigated acres and 01-01 through 12-31 for the stock water use. In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. The *Supplemental Director's Report* recommended a period of use for irrigation of 3/1 – 11/15.

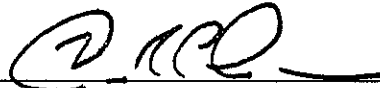
On August 24, 1999, an Objection to the *Supplemental Director's Report* was filed by the claimants, Daniel and Linda Keppler, objecting to the "purpose of use," "period of use," "place of use" and "This water right was not recommended, but should be recommended with the elements described above.

On March 21, 2002, the claimants/objectors filed a *Standard Form 5* for this water right.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that this water right 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

2002 JUN 24 AM 10:11

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-10902

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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Department of Water Resources

NAME AND ADDRESS: DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
PO BOX 584
GRANDVIEW, ID 83624

SOURCE: GROUNDWATER

QUANTITY: 0.32 CFS
28.00 AFY

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

PRIORITY DATE: 03/15/1917

POINT OF DIVERSION: T05S R04E S30 LOT 09 (NWSWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.30 CFS
			28.00 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Owyhee County
T05S R04E S30 LOT 06 (NWSW) 5.0 LOT 09 (SWSW) 2.0
7.0 Acres Total

Stockwater Within Owyhee County
T05S R04E S30 LOT 06 (NWSW) LOT 09 (SWSW)

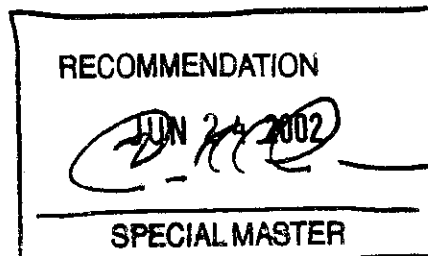
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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In Re SRBA)
)
Case No. 39576)
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CERTIFICATE OF MAILING

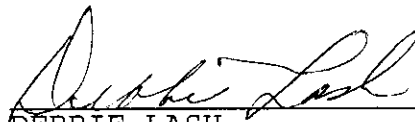
Water Right(s): 57-10902

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

DANIEL WAYNE & LINDA KEPPLER
DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
LINDA KEPPLER
PO BOX 584
GRANDVIEW, ID 83624
Phone: 208-834-2083


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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06/24/02

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TWIN FALLS CO, IDAHO
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 57-10902

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