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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *OK*

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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 31-11600
	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Don and Beverly Burtenshaw on February 26, 2002. The *Objection* was resolved on April 24, 2002 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form*.

II. CONCLUSIONS OF LAW

The file for this subcase includes the *Director's Report* and the *Standard Form 5*.¹ Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: May 1, 2002


BRIGITTE BILYEU
Special Master
Snake River Basin Adjudication

¹ The *Special Master's Recommendation for Partial Decree* changed the legal description in the *Standard Form 5* for place of use by deleting a duplicate quarter quarter description. T09N R37E S06 Lot 5 (SWNW) is, therefore, only listed once.

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QUANTITY: 13.15 CFS

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PLACE OF USE (continued)

LOT 03 (NWSW) 17.0	LOT 04 (SWSW) 1.7
SWSE 14.0	SESE 9.3
S18 NENE 33.0	NWNE 37.0
SWNE 26.0	SENE 19.0
NENW 5.3	LOT 01 (NWNW) 4.6
LOT 02 (SWNW) 6.6	SENW 11.0
NESW 39.0	LOT 03 (NWSW) 37.0
LOT 04 (SWSW) 25.0	SESW 19.0
NESE 12.0	NWSE 40.0
SWSE 39.0	SESE 31.0
S19 NENE 18.0	NWNE 40.0
SWNE 9.1	SENE 3.9
NENW 35.0	LOT 01 (NWNW) 23.0
LOT 02 (SWNW) 8.9	SENW 7.3
2382.8 Acres Total	

Stockwater
Same as Irrigation

Within Clark County

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2382.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00124, 31-00125, 31-00126, 31-00127, 31-00128, 31-00167, 31-00238, 31-00239, 31-11600.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 857.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

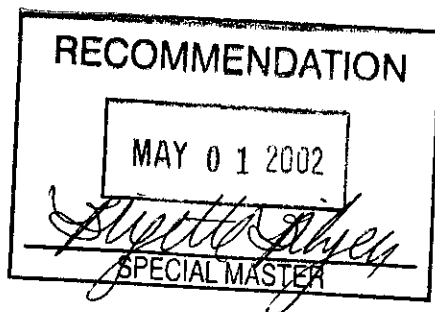
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL 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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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

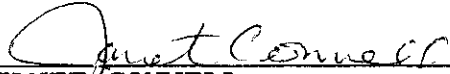
Water Right(s): 31-11600

On May 01, 2002, Special Master BRIGETTE BILYEU 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 May 01, 2002.


JANET CONNELL
Deputy Clerk

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 31-11600

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 May 01, 2002, with sufficient first-class postage prepaid to the following:

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

BEVERLY BURTONSHAW
DON & BEVERLY BURTONSHAW
Represented by:
GORDON S THATCHER
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

DON M BURTONSHAW
1603 N 1000 E
TERRETON, ID 83450
Phone: 208-663-4493

CERTIFICATE OF MAILING

Janet Connell
JANET CONNELL
Deputy Clerk

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05/01/02