

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:11

DISTRICT COURT-SRBA

TWIN FALLS COUNTY 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	)	Subcase 36-00048A
	)	(Idaho State Building Authority)
Case No. 39576	)	
_____		) SPECIAL MASTER REPORT

Findings of Fact

Dan and Irma McFaddan filed a *Notice of Claim to a Water Right* under 36-00048 on August 30, 1988, claiming 10 cfs from Billingsley Creek to irrigate 178.5 acres from March 1 to November 15 with a priority date of November 4, 1885, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended the claim as 36-00048A to Dan and Irma McFaddan for 1.04 cfs from Billingsley Creek to irrigate 104 acres within a 175.5 acre place of use from March 15 to November 15 with a priority date of November 4, 1885, based on a decree.

The McFaddans filed an *Objection* on April 29, 1993, objecting to quantity, period of year, place of use, consumptive use, remarks and other. On August 31, 2000, IDWR filed an *Amended Director's Report, Subcase Nos. 36-00048A, 36-00049 & 36-02169* recommending 36-00048A to the McFaddans for 1.1 cfs to irrigate 178.5 acres from February 15 to November 30.

On September 28, 2000, the McFaddans filed an *Objection* to quantity. The same date, the North Snake Ground Water District, Faulkner Land & Livestock Company and Cranney Bros. also filed *Objections* to quantity.

IDWR filed a *Notice of Completed Administrative Proceeding* on November 13, 2001, for a substitution of party from the McFaddans to the Idaho State Building Authority, P.O. Box 2802, Boise, Idaho 83701. Finally, on May 8, 2002, the Idaho State Building Authority, Cranney Bros., the North Snake Ground Water District and IDWR filed a *Standard Form 5*.

Conclusions of Law

The Idaho State Building Authority is entitled to a partial decree adjudicating a water right under claim 36-00048A as recommended by IDWR and as described in the attached ***Special Master Recommendation for Partial Decree for Water Right 36-00048A.***

DATED May 20, 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 36-00048A

2002 MAY 20 PM 4:11
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.10 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.:
36-00049 & 36-15538.

THIS 1.1 CFS QUANTITY FOR IRRIGATION DESIGNATED UNDER THIS RIGHT
IS BASED ON THE REASONABLE AMOUNT THAT WOULD BE NEEDED TO SUPPLY
A SURFACE OR GRAVITY IRRIGATION SYSTEM. HOWEVER, THE ACTUAL
MEANS OF IRRIGATION INVOLVES SPRINKLERS OR ANOTHER IRRIGATION
METHOD THAT REQUIRES A SMALLER AMOUNT OF WATER. IN THE EVENT OF
WATER SHORTAGE, A DELIVERY CALL FOR WATER, OR OTHER ACTION TO
ADMINISTER WATER RIGHTS, THE WATER RIGHT HOLDER SHALL BE ENTITLED
TO DIVERT NO MORE THAN THE QUANTITY REASONABLY NECESSARY AT THAT
TIME. THIS QUANTITY MAY BE LESS THAN, AND SHALL NEVER BE GREATER
THAN, THE 1.1 CFS QUANTITY. A DIVERSION SYSTEM THAT USES MORE
THAN 0.026 CFS PER ACRE IS REASONABLE ONLY IF SUCH SYSTEM IS
REQUIRED IN GOOD FAITH FOR AGRICULTURAL IRRIGATION OF THE
DESCRIBED PLACE OF USE.

PRIORITY DATE: 11/04/1885

POINT OF DIVERSION: T07S R13E S13 NWNWNE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	1.10 CFS

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S11	SENE 6.0	NESE 36.5
		SESE 40.0	
	S12	NWSW 1.0	SWSW 18.0
		SESW 1.0	
	S13	NENW 36.0	NWNW 40.0
	178.5 Acres Total		

USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 36-15538 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE
ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.

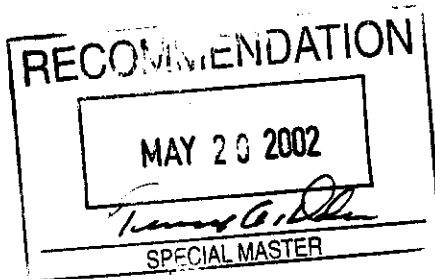
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A DIVERSION RATE OF NO MORE THAN 0.026 CFS PER ACRE OF THIS RIGHT
MAY BE TRANSFERRED OR CHANGES SO AS TO CHANGE THE PLACE OF USE,
PURPOSE OF USE, OR PERIOD OF USE THEREOF.

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

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:11

DISTRICT COURT-SRBA
TWIN FALLS CO, 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

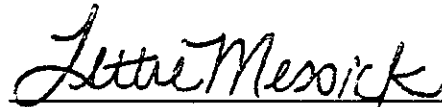
Water Right(s): 36-00048A

On May 20, 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 May 20, 2002.



LETTIE MESSICK
Deputy Clerk

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:11

DISTRICT COURT SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

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): 36-00048A

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 20, 2002, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
05/20/02

FAULKNER LAND & LIVESTOCK
FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CRANNEY BROS
Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DAN & IRMA MCFADDAN
DAN H MCFADDAN
Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701



LETTIE MESSICK
Deputy Clerk