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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, 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

) Subcase 36-00049

) (Idaho State Building Authority)

)
) SPECIAL MASTER REPORT

Findings of Fact

Dan and Irma McFaddan filed a *Notice of Claim to a Water Right* under 36-00049 on August 30, 1988, claiming 9.7 cfs from Florence Livestock Spring for year-'round domestic, commercial, stockwater and fish propagation uses and to irrigate 178.5 acres from March 1 to November 15 with a priority date of April 1, 1900, 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 36-00049 for 4.17 cfs for year-'round domestic and stockwater uses and to irrigate 175.5 acres from March 15 to November 15.

The McFaddans filed an *Objection* on April 29, 1993, objecting to quantity, purpose of use, 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 36-00049 for 6.8 cfs for year-'round domestic and stockwater uses and to irrigate 178.5 acres from February 15 to November 30. IDWR filed a *Corrected Amended Director's Report, Subcase No. 36-00049* on September 14, 2000, recommending 6.58 cfs

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 36-00049 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 36-00049*.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00049

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
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NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.58 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.68 CFS. COMBINED RIGHT NOS.:

36-00048A & 36-15538.

DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED
BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 6.58 CFS DURING
THE IRRIGATION SEASON. COMBINED RIGHTS NOS. 36-15532 & 36-15533.
THE 6.58 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, 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 6.58 CFS QUANTITY. A DIVERSION SYSTEM THAT USES
MORE THAN 0.026 CFS PER ACRES IS REASONABLE ONLY IF SUCH SYSTEM
IS REQUIRED IN GOOD FAITH FOR AGRICULTURAL IRRIGATION OF THE
DESCRIBED PLACE OF USE.

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION: T07S R13E S12 SESENW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	6.58 CFS
	Domestic	01-01 TO 12-31	0.06 CFS
	Stockwater	01-01 TO 12-31	0.07 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		

Stockwater		Within Gooding County
T07S R13E S11	NESE	SESE

Domestic		Within Gooding County
T07S R13E S11	NESE	SESE

USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 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

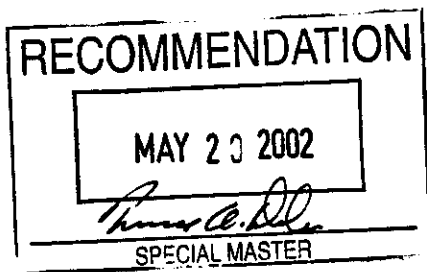
OTHER PROVISIONS (continued)

MAY BE TRANSFERRED OR CHANGED 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

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TWIN FALLS, 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): 36-00049

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

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In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00049

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

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