

2002 MAY 24 AM 11: 51

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

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 31-10499
	)	

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.

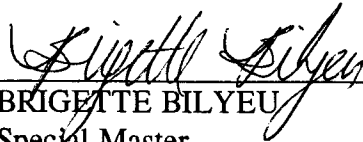
An *Objection* was filed by Mud Lake Water Users, Inc. on September 5, 2001. An *Objection* was filed by Independent Water Users on September 7, 2001. The *Objections* were resolved on May 13, 2002 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form*.

II. CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

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 24, 2002



BRIGETTE BILYEU
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 31-10499

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

NAME AND ADDRESS: JANA ASHCRAFT
SIDNEY ASHCRAFT
2104 E 1800 N
HAMER, ID 83425

SOURCE: RAYS LAKE TRIBUTARY: MUD LAKE

QUANTITY: 5.82 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.42 CFS. COMBINED RIGHT NOS.: 31-4126,
31-10499, 31-10500, 31-11462.

PRIORITY DATE: 09/05/1912

POINT OF DIVERSION: T07N R36E S30 SWSWSE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.82 CFS

PLACE OF USE:	Irrigation	Within Jefferson County
	T06N R36E S06 LOT 03 (NENW) 20.0	LOT 04 (NWNW) 39.0
	T07N R36E S31 SENW 15.0	NESW 42.0
	LOT 03 (NWSW) 40.0	LOT 04 (SWSW) 40.0
	SESW 42.0	
	238.0 Acres Total	

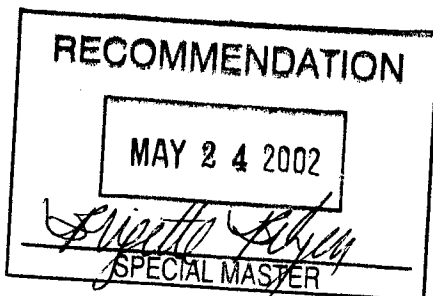
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 371 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-4126, 31-10499, 31-10500, 31-11462.

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

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
GROUND WATER RIGHTS IN CONJUNCTION WITH SURFACE WATER DIVERTED
UNDER THIS RIGHT AND SHALL ONLY DIVERT SURFACE WATER UNDER THIS
RIGHT WHEN WATER FROM THE APPURTENANT GROUND WATER RIGHTS CANNOT
BE DELIVERED TO THE RIGHT HOLDER.

IF THE GROUND WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS
RIGHT TO DIVERT SURFACE WATER SHALL NOT BE USED WITHOUT AN
APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR
APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

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
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

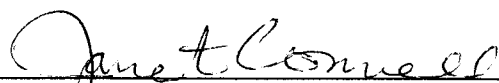
Water Right(s): 31-10499

On May 24, 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 24, 2002.



JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED

In Re SRBA)
)
Case No. 39576)
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Water Right(s) : 31-10499

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JANET CONNELL 05/24/02
Deputy Clerk