

2002 MAY 29 PM 4:11

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 9

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 31-11619

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.

No objection was filed for water right 31-11619. Water right 31-11619, however, is used in combination with water rights 31-00062A, 31-00063A and 31-07270, which were the subject of *Objections*. A *Standard Form 5* was filed on March 8, 2002. All parties and IDWR are signatories to the *Standard Form*.¹

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. 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 29, 2002.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

¹ This *Special Master's Recommendation for Partial Decree* contains one change from the *Standard Form 5*. The combined acres when rights 31-07270, 31-11619, 31-11605, 31-00062A and 31-00063A are used together is 339 acres, not 339.2 acres.

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 31-11619

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DISTRICT COURT - SRB
TWIN FALLS CO., IDAH
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NAME AND ADDRESS: MICHAEL M MCGARRY
2393 E 1900 N
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.22 CFS
38.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-07270 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.64 CFS.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.70 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1044.7 AF. COMBINED RIGHT NOS.: 31-62A,
31-63A, 31-7270, 31-11605 AND 31-11619.

PRIORITY DATE: 04/01/1978

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07N R36E S33 SENWSE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.22 CFS 38.50 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R36E S33	NENE 30.0 NWNE 18.0 SWNE 19.0 SENE 39.0 NESE 40.0 NWSE 19.0 SWSE 14.0 SESE 40.0 S34 NWSW 11.0 SWSW 13.0
	243.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 31-7270 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 243 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 339 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-62A, 31-63A, 31-7270, 31-11605 AND
31-11619.

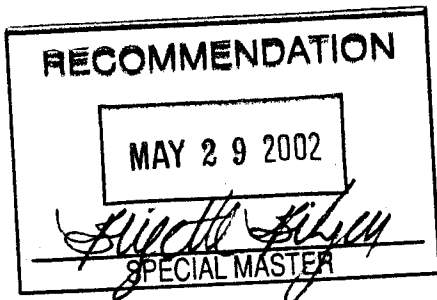
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-07270
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

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

Water Right(s) : 31-11619

Janet Connell
JANET CONNELL
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., 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): 31-11619

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 29, 2002, with sufficient first-class postage prepaid to the following:

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

MICHAEL M MCGARRY
2393 E 1900 N
HAMER, ID 83425
Phone: 208-662-5227

[Signature: Janet Connell]

JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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