

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

FOR WATER RIGHT 31-07613

A. AVERAGE OVER A ROLLING FIVE -YEAR PERIOD

The *Supplemental Director's Report* states that the rolling five-year period limitation resulted from administrative action by IDWR following a complex series of applications for new water rights, transfers, and amendments to transfers. During IDWR's administrative proceedings, settlement negotiations between the claimant and administrative protestants resulted in the volume limitation that is now recommended by IDWR. "The combined use of rights listed below shall not exceed 7.540 AF per year when averaged over a rolling five year period." The *Supplemental Director's Report* explains that this language means that "the average over any five year period shall not exceed 7.540 acre-feet per year and thus the total gross pumpage period shall not exceed 7.540 acre-feet per year and thus the total gross pumpage shall not exceed 37,700 acre-feet of water over any five year period." *Supplemental Director's Report* p. 4-5. This Special Master concludes that the volume limitation should be included in the partial decree for this water right.

B. EARLY AND LATE SEASON IRRIGATION

This water right was previously licensed by IDWR. As with many licensed water rights, this right has an irrigation season of use that is shorter than the standard irrigation season IDWR recommended in the surrounding area. Therefore, the *Director's Report* recommends an additional early and late season of use consistent with the standard season of use in the area. The language regarding early and late season irrigation is included to describe the extended season and to provide protection to existing water rights. This Special Master concludes that the early and late season irrigation language should be included in the partial decree.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record for this subcase, 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

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 31-07613

2002 MAY 29 AM 9:47

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BLAINE L LARSEN
PO BOX 188
HAMER, ID 83425-0188

SOURCE: GROUND WATER

QUANTITY: 0.57 CFS
92.00 AFY

USE OF THIS RIGHT IS LIMITED TO A FIVE YEAR AVERAGE ANNUAL
DIVERSION VOLUME OF 92 AF. THE COMBINED DIVERSION VOLUME OF
RIGHTS LISTED BELOW IS LIMITED TO A FIVE YEAR AVERAGE ANNUAL
VOLUME OF 413 AF. COMBINED RIGHT
NOS.: 31-07605, 31-07607, 31-07608, 31-07613, 31-07616. THE
COMBINED DIVERSION VOLUME OF RIGHTS LISTED BELOW SHALL NOT EXCEED
7540 AF PER YEAR WHEN AVERAGED OVER A ROLLING FIVE YEAR PERIOD.
COMBINED RIGHTS: 31-07052C, 31-07052N, 31-07052P, 307214,
31-07214D, 31-07368A, 31-07368B, 31-07369B, 31-07369C, 31-07069D,
31-07439B, 31-07605, 31-07606, 31-07607, 31-07608, 31-07609, 31-07610,
31-07611, 31-07612, 31-07613, 31-07614, 31-07615, 31-07616, 31-07617,
31-07618, 31-07619, 31-07620, 31-07621, 31-07622, 31-07623, 31-07624,
31-07625, 31-07626, 31-07627, 31-07628, 31-07629, 31-07630, 31-07631,
31-07632, 31-07633, 31-07634, 31-07635, 31-07636, 31-07637, 31-07638.

PRIORITY DATE: 05/02/1978

POINT OF DIVERSION: T09N R36E S27 NESWN Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.57 CFS 92.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Clark County
	T09N R36E S27	NENW 19.1 SNNW 40.0 SENW 32.0 NWSW 18.0 SENE 18.0
	S28	NENE 8.2
	176.4 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 39.3 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 176.4 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT
NOS.: 31-07605, 31-07607, 31-07608 31-07613 AND 31-07616.

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

THE USE OF WATER WITHIN SENE, S28, T09N, R36E IS LIMITED TO

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

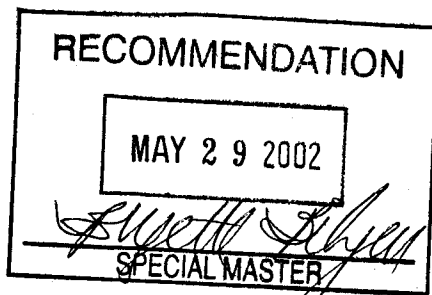
THE EAST HALF OF THAT PLACE OF USE.

THE RIGHT HOLDER SHALL PROVIDE AN ANNUAL SUMMARY OF PUMPING VOLUMES TO THE DEPARTMENT AS PUBLIC RECORD.***

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) : 31-07613

PAGE 1
05/29/02

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-07613

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

BLAINE L LARSEN
PO BOX 188
HAMER, ID 83425-0188
Phone: 208-662-5501

CERTIFICATE OF MAILING

Janet Connell PAGE 1
JANET CONNELL 05/29/02
Deputy Clerk