

5/29/02 PM 3:09

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) Subcases 51-02190 and 51-07034
Case No. 39576) (Parnell)
)
) SPECIAL MASTER REPORT

Findings of Fact

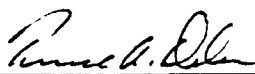
W.L. Parnell, 301 N. 8th, Buhl, Idaho 83316, filed a *Notice of Claim to a Water Right* on January 18, 1989, under claim 51-07034 claiming 6.4 cfs from groundwater and Deadman Creek to irrigate 320 acres in Owyhee County from March 15, to November 15 with a priority date of December 30, 1968, based on a permit. The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6, Volume One (IDWR Basin 51)* on November 24, 1998. The Director recommended 51-07034 as filed, but only for groundwater. IDWR also identified 51-02190 as an uncontested overlapping claim.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on March 31, 1999, objecting to place of use. On May 22, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* to amend the license correcting the place of use. On May 23, 2002, the Special Master entered an *Order Granting Motion to Dismiss Objections* in 51-07034 based on the United States' *Motion*.

Conclusions of Law

W.L. Parnell is entitled to partial decrees adjudicating water rights under claims 51-02190 and 51-07034 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 51-02190 and 51-07034*.

DATED May 29, 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 51-02190

2002 MAY 29 PM 3:09
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: W L PARNELL
301 N 8th
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 1.86 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-07034 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/30/1963

POINT OF DIVERSION: T09S R12E S17 SWSNW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.86 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T09S R12E S07	SWNE 34.0 NESE 21.0 NWSE 39.0 SESE 40.0 SWSE 39.0
	S08	SWSW 7.0
	S17	SWNE 27.0 NENW 25.0 NWNW 39.0 SWNW 10.0 SENW 37.0 NESW 31.0 NWSE 28.0 NENE 21.0
	S18	
	398.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 51-07034 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE
IRRIGATION SEASON.

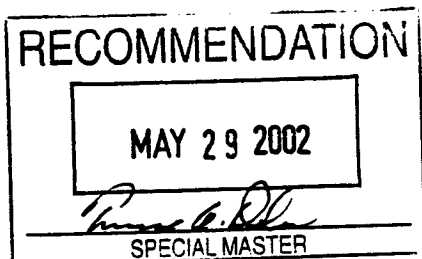
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 210 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

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 51-07034

MAY 29 PM 3:09
DISTRICT COURT - 5th JUDICIAL DISTRICT
FILED *[Signature]*

NAME AND ADDRESS: W L PARNELL
301 N 8th
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 6.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/30/1968

POINT OF DIVERSION: T09S R12E S17 NENW Within Owyhee County
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.40 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T09S R12E S07	SWNE 36.0 NESE 37.0 NWSE 40.0 SESE 40.0
	S08	NWSW 3.0 SESW 15.0 SWSW 36.0
	S17	SWNE 32.0 NWSE 30.0 NESW 3.0
	S18	NENE 28.0
	337.0 Acres Total	

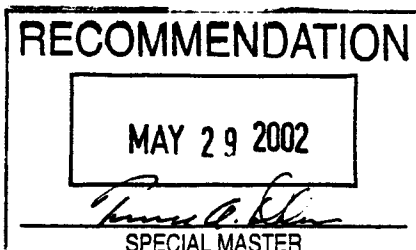
USE OF THIS RIGHT WITH RIGHT NO. 51-02190 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

May 29 PM 3:09

DISTRICT COURT - 5th
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	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right(s): 51-02190

On May 29, 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 29, 2002.



LETTIE MESSICK
Deputy Clerk

May 29 PM 3:09
DISTRICT COURT-5th
COUNTY OF IDAHO
[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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 51-02190

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

W L PARNELL
301 N 8th
BUHL, ID 83316
Phone: 208-543-8427

Lettie Messick

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/29/02

JUN 29 PM 3:09

CLERK OF DISTRICT COURT
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

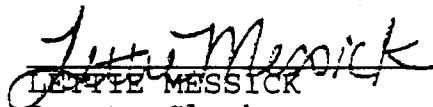
Water Right(s): 51-07034

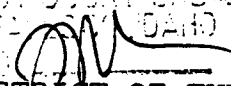
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DATED May 29, 2002.


LETTIE MESSICK
Deputy Clerk

7/17/02 PM 3:09
DISTRICT COURT - 5th
TWIN FALLS, IDAHO
FILED 

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) : 51-07034

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