

OCT 11 2002

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 43-02294D
) (Whitaker)
)
) SPECIAL MASTER REPORT

Findings of Fact

Juan and Maxine Tracy filed a *Notice of Claim to a Water Right* on May 31, 1989, claiming .514 cfs from groundwater to irrigate 60 acres in Cassia County from March 15 to November 15 with a priority date of March 5, 1945, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but to Denton and Cleta Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, to irrigate a combined total of 60 acres within a 329.3 acre place of use.

The Whitakers filed an *Objection* on January 8, 2002, objecting to quantity, priority date and point of diversion. On October 7, 2002, the Whitakers and IDWR filed a *Standard Form 5* agreeing to amend the place of use remarks and explanatory material.

Conclusions of Law

Denton and Cleta Whitaker are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02294D*.

DATED October 9, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

SCANNED
OCT 10 2002

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

OCT 03 2002

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-02294D

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.514 CFS
240.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1200 AF. COMBINED RIGHT NOS.: 43-02294D, 43-02294G,
43-10289, & 43-10425.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION: T14S R27E S08 NWNWSW Within Cassia County
 SWSWSW
 SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.514 CFS 240.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R27E S08	
	SWNW 6.5	SENW 8.8
	NESW 40.0	NWSW 38.0
	SWSW 39.0	SESW 38.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
	329.3 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02294D, 43-10289, 43-10627, 43-12981,
43-12982, 43-12983, 43-12984 & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289,
43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976,
43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982,
43-12983, 43-12984, & 43-12985.

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

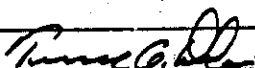
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

RECOMMENDATION

OCT 09 2002



SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

OCT 09 2002

By _____ Clerk
Deputy Clerk

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): 43-02294D

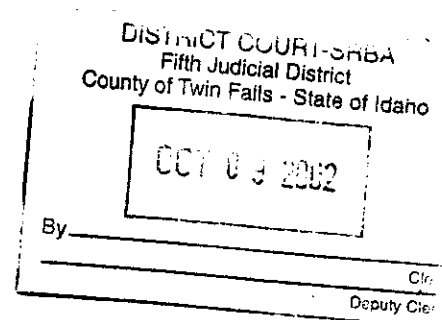
On October 09, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 October 09, 2002.


LETTIE MESSICK
Deputy Clerk



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

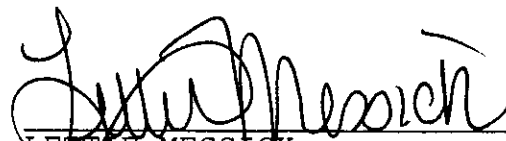
Water Right(s) : 43-02294D

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 October 09, 2002, with sufficient first-class postage prepaid to the following:

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

CLETA WHITAKER
DENTON WHITAKER
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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10/09/02