

OCT 10 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

) **Subcase 43-02294G**

) **(Whitaker)**

Case No. 39576

) **SPECIAL MASTER REPORT**

Findings of Fact

Denton and Cleta Whitaker, 2145 South, 2350 East, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on June 8, 1989, claiming 2.05 cfs from groundwater to irrigate 240 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 for irrigation of 240 acres within a 329.3 acre place of use.

The Whitakers filed an *Objection* on January 10, 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 quantity remark, the place of use remark 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 43-02294G*.

DATED October 9, 2002.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

SCANNED
OCT 10 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE FIFTH Judicial District
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN Falls County of Twin Falls - State of Idaho

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-02294G

DISTRICT COURT-SRBA

OCT 03 2002

By _____ Clerk
Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 2.05 CFS
960.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6 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	2.05 CFS 960.00 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 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 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.

RECOMMENDATION

OCT 09 2002

Thomas G. Dill

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

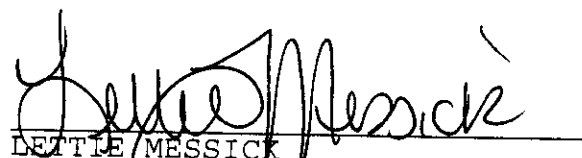
Water Right(s): 43-02294G

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

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 43-02294G

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

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

CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342
Phone: 208-645-2518

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

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