

FILED

In Re SRBA	)	Subcase: 57-00249
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION
	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW

Page 1 of 2

Conservation League, 131 Idaho 329, 955 P.2d 1108 (1998), regarding “excess water.” However, because the use of “excess water” is no longer being recommended as a general provision¹, this Special Master finds that the subordination language is no longer necessary and should not be included in the amended partial decree issued for this water right. Furthermore, all objections related to the season of use on Reynolds Creek having been resolved, this Special Master finds that the specific dates for the season of use for this water rights should be decreed as recommended in the *Supplemental Director's Report*.

III. RECOMMENDATION

Therefore, based on the file and record herein, IT IS RECOMMENDED that an amended partial decree be issued for this water right as set forth in the attached *Special Master's Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b) for water right 57-00249*.

Dated October 10, 2002.



THOMAS CUSHMAN
Special Master
Snake River Basin Adjudication

¹ For a comprehensive discussion regarding the “excess water” general provision, see the *Special Master's Report and Recommendation, Findings of Fact and Conclusions of Law, For General Provisions in Basin 57 Designated as Basin-Wide Issue 5-57* (September 11, 2002).

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

AMENDED

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

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

Water Right 57-00249

2002 OCT 10 AM 8:53

FILED
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT

NAME AND ADDRESS: JUNAYO RANCH LTD PRTRNSHP
1087 RIVER ST STE 230
BOISE, ID 83702

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.60 CFS

PRIORITY DATE: 06/01/1984

POINT OF DIVERSION: T02S R04W S13 SENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.60 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T02S R03W S18 LOT 2 (SWNW) 8.0	NESW 4.0
	LOT 4 (SWSW) 6.0	LOT 5 (SESW) 24.0
	R04W S13 SENE 14.0	
	56.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS. 57-01073 AND 57-07040 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52 ACRES IN
A SINGLE IRRIGATION SEASON.

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

THE USE OF WATER ON THE LANDS TO WHICH THIS RIGHT WAS
APPURTENANT HAS BEEN ABANDONED AND FAILURE TO PUT THE WATER TO
BENEFICIAL USE ON THE PLACE OF USE DESCRIBED ABOVE WITHIN FIVE
(5) YEARS OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE
CHANGE IN USE TO THE PLACE OF USE DESCRIBED ABOVE SHALL
CONSTITUTE FORFEITURE OF THIS RIGHT.

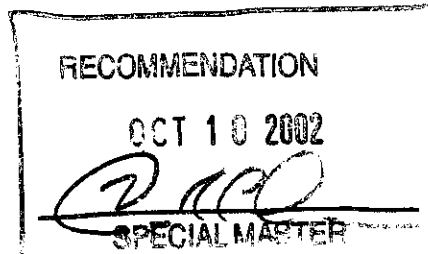
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00249 File Number: 00282



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Oct-07-2002

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FILED
DISTRICT COURT - SRBA
TWIN FALLS CO. 10/10/02

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

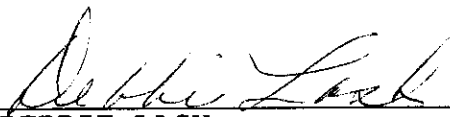
Water Right(s): 57-00249

On October 10, 2002, Special Master THOMAS R CUSHMAN 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 10, 2002.



DEBBIE LASH
Deputy Clerk

2002 OCT 10 AM 8:53

NOTICE OF SRBA
TWIN FALLS CO., 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): 57-00249

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 10, 2002, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

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

CERTIFICATE OF MAILING

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10/10/02