

2002 OCT 17 AM 10:20

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     | ) | SPECIAL MASTER'S REPORT                 |
|                | ) |                                         |
| Case No. 39576 | ) | FINDINGS OF FACT AND                    |
|                | ) | CONCLUSIONS OF LAW                      |
|                | ) |                                         |
|                | ) | FOR WATER RIGHTS 65-03002F,             |
|                | ) | 65-03233, 65-03237F, 65-03239, 65-07118 |
|                | ) | and 65-10782                            |

**I. FINDINGS OF FACT**

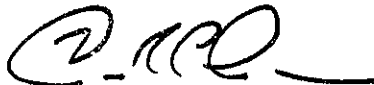
A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 16, 2000, the United States of America, Bureau of Reclamation filed objections to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." On September 20, 2002, *Standard Form's 5* were filed. All parties and IDWR are signatures to the *Standard Form's 5*.

**II. CONCLUSIONS OF LAW**

Therefore based on the file and record herein and pursuant to the *Standard Form 5* and the attached Appendix A, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b) for Water Rights* 65-03002F, 65-03233, 65-03237F, 65-03239, 65-07118 and 65-10782..

DATED October 16, 2002.

  
THOMAS R. CUSHMAN  
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 65-03233

NAME AND ADDRESS: TERRACE LAKES RECREATION RANCH  
HC 76 BOX 4201  
GARDEN VALLEY, ID 83622

SOURCE: WARM SPRINGS CREEK                      TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.24 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03239 SHALL PROVIDE  
NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT FIELD HEADGATE.

PRIORITY DATE: 05/01/1873

POINT OF DIVERSION: T10N R04E S33                      NWSE                      Within Boise County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.24 CFS |

| PLACE OF USE: | Irrigation       |             | Within Boise County |
|---------------|------------------|-------------|---------------------|
|               | T10N R04E S33    | SWNE 1.0    | LOT 2 (SENE) 6.0    |
|               |                  | (NESE) 28.0 | NWSE 8.0            |
|               |                  | SWSE 3.0    | LOT 4 (SESE) 2.0    |
|               | 48.0 Acres Total |             |                     |

USE OF THIS RIGHT WITH RIGHT NO. 65-03239 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 48.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

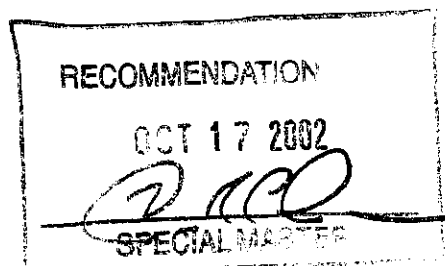
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
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









2 3

CARDEN VAGHEI, ID 95322

SCRIVER CREEK, LEFT FORK

0.99 CFS

NO MORE THAN .02 CFS PER ACRE.

03/15/1910

|               |      |                     |
|---------------|------|---------------------|
| T10N R04E S20 | SWSW | Within Boise County |
| S28           | SWSE | (Rediversion)       |
| S29           | NWNE | (Injection)         |

PERIOD OF USE:

|                         |                |       |     |
|-------------------------|----------------|-------|-----|
| Irrigation              | 04-01 TO 11-01 | 0.92  | CFS |
| Irrigation from Storage | 04-01 TO 11-01 | 32.10 | AFY |
| Stockwater              | 01-01 TO 12-31 | 0.05  | CFS |
|                         |                | 2.70  | AFY |
| Stockwater from Storage | 01-01 TO 12-31 | 1.30  | AFY |
| Domestic                | 01-01 TO 12-31 | 0.04  | CFS |
|                         |                | 1.20  | AFY |
| Domestic from Storage   | 01-01 TO 12-31 | 0.60  | AFY |

|                  |      |      |                     |
|------------------|------|------|---------------------|
| Irrigation       |      |      | Within Boise County |
| T10N R04E S33    | NWNE | 1.0  |                     |
| S34              | NENW | 4.0  | SWNW 7.0            |
|                  | SENW | 34.0 |                     |
| 46.0 Acres Total |      |      |                     |

|               |      |      |
|---------------|------|------|
| T10N R04E S33 | NWNE |      |
| S34           | NENW | SWNW |
|               | SENW |      |

|               |      |      |
|---------------|------|------|
| T10N R04E S33 | NWNE |      |
| S34           | NENW | SWNW |
|               | SENW |      |

Same as Stockwater

T10N R04E S34                      NESW

T10N R04E S34                      NESW

IRRIGATION OF A COMBINED TOTAL OF 46.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

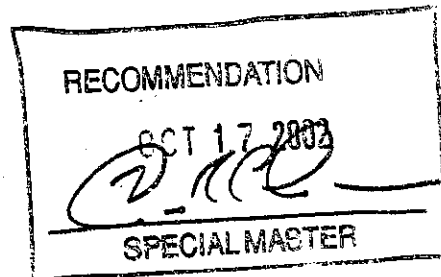
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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



## **APPENDIX A**

**Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.**

**This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.**

2002 OCT 17 AM 10:21

NOTICE OF SRBA  
TWIN FALLS CO., 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

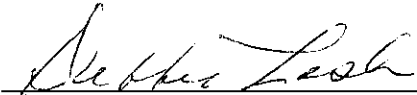
Water Right(s): 65-03002F  
65-03233 65-03237F 65-03239  
65-07118 65-10782

On October 17, 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 17, 2002.

  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk

2002 OCT 17 AM 10:21

DISTRICT COURT - SRBA  
TWIN FALLS CO, IDAHO  
FILED *[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): 65-03002F  
65-03233 65-03237F 65-03239  
65-07118 65-10782

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 17, 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:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION  
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

PAGE 1  
10/17/02

TERRACE LAKES RECREATION RANCH  
HC 76 BOX 4201  
GARDEN VALLEY, ID 83622

TERRACE LAKES RECREATION  
RANCH INC.  
HC 76 BOX 4201  
GARDEN VALLEY, ID 83622

  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk