

2002 SEP 20 AM 10:30

CLERK OF DISTRICT COURT
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
_____	)	FOR WATER RIGHT 31-10958

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 for the elements of this water right.

No *Objection* was filed to this water right. This water right is used in combination with water right 31-00184 which was the subject of an *Objection*. The *Objection* to 31-00184 was aimed only at administrative general provisions in basin 31 and did not raise any issues to the elements. The *Objection* has been assigned subcase number 92-31, and the issues relating to general provisions will proceed separately. There are no unresolved objections remaining for water right 31-00184. The parties asked the court to proceed with a *Master's Report and Recommendation* on the uncontested claims.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the *Special Master's Recommendation for Partial Decree*.

DATED: September 20, 2002.



BRIGETTE BILYEU
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 31-10958

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *gc*

NAME AND ADDRESS: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 664.20 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 2.70 CFS BY A
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER
1ST).

PRIORITY DATE: 11/01/1914

POINT OF DIVERSION: T06N R34E S01 NESWSW Within Jefferson County
T07N R35E S36 SENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	664.20 AFY
	Irrigation from Storage	04-01 TO 10-31	664.20 AFY

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF THE HOLLEY DIVISION OF
MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 2978 AS
DEPICTED IN THE ATTACHED MAP.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330,
31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265,
31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321,
31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430,
31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34,
31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105,
31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184,
31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363,
(OWLSEY DIVISION SURFACE WATER), 31-134, 31-135, 31-143, 31-144,
31-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344,
31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958,
31-10959, 31-10960, 31-10961, 31-10962 (HOLLEY DIVISION SURFACE
WATER).

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 2978 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-344, 31-345, 31-354, 31-355, 31-360,
31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961,
31-10962.

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

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE
AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER
DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS
OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT
NUMBER 307626.

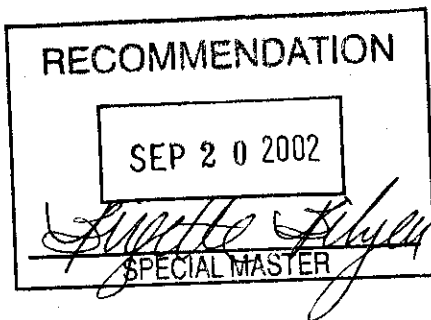
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

OTHER PROVISIONS (continued)

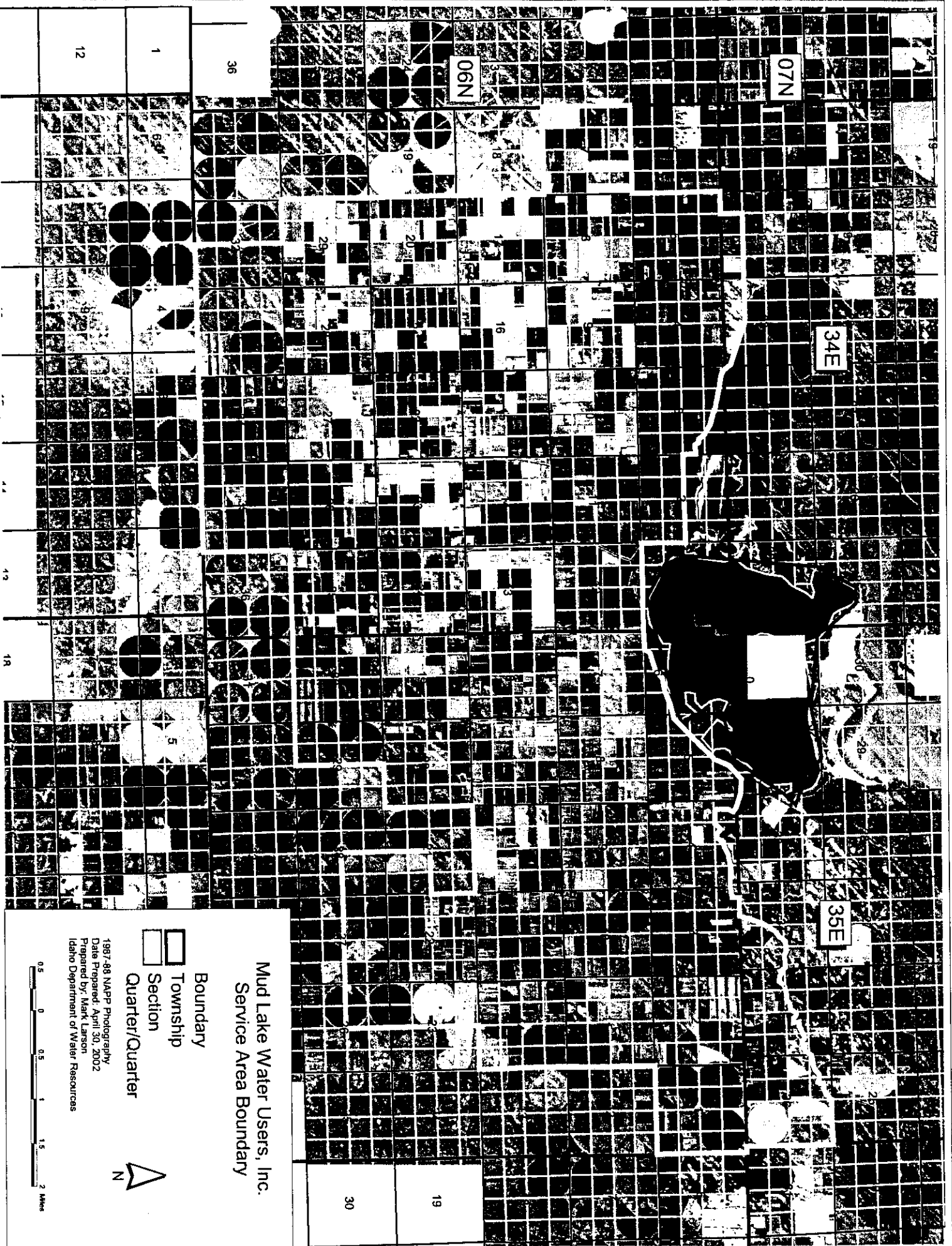
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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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): 31-00006
(SEE ATTACHED EXHIBIT A)

On September 20, 2002, Special Master BRIGETTE BILYEU 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 September 20, 2002.



JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

31-00006
31-00034
31-00035
31-00036
31-00037
31-00038
31-00052
31-00065
31-00104
31-00105
31-00134
31-00135
31-00143
31-00144
31-00147A
31-00159
31-00162
31-00163
31-00166
31-00168
31-00169
31-00185
31-00186
31-00187
31-00188
31-00190
31-00192
31-00232
31-00237
31-00263
31-00344
31-00345
31-00354
31-00355
31-00360
31-00361
31-00363
31-02276
31-10957
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31-10962

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 31-00006
(SEE ATTACHED EXHIBIT A)

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 September 20, 2002, with sufficient first-class postage prepaid to the following:

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

MUD LAKE WATER USERS INC
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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Exhibit A

Subcase Nos:

31-00006
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