

2002 SEP 20 AM 10:50

DIST. CLERK OF SRBA
TWIN FALLS CO., IDAHO
FILED 4

**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 31-11430

I. FINDINGS OF FACT

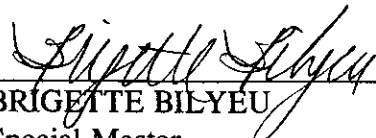
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

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)
)
Case No. 39576)
_____)

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

Water Right 31-11430

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

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

SOURCE: GROUND WATER

QUANTITY: 427.00 CFS
21434.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 174,269.3 ACRE FEET. 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, 31-2341, 31-2342, 31-2343, 31-2344,
31-2345, 31-7005, 31-11430, 31-11432.

USE OF THIS RIGHT WITH RIGHT NO. 31-11432 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 21434 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH OCT 31 AND A
TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH
APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY
THE WATERMASTER. 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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 287 CFS FROM MAY 1 THROUGH OCT 31. COMBINED
RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-11430.

PRIORITY DATE: 10/14/1940

POINT OF DIVERSION:	T06N R34E S01	NESWSW	(Rediversion)	Within Jefferson County
		NESESW	(Rediversion)	
	S02	NESWNW	(Rediversion)	
	R35E S03 LOT 4	(NENWNW)	(Rediversion)	
	S04 LOT 4	(NENWNW)	(Rediversion)	
	T07N R34E S13	SWSWNE		
		NESWSE		
	R34E S23	SENESE		
		NESENE		
	S24	SWNESE		
		NENWNE		
		SWNWNW		
	S34	SWNWE	(Injection)	
		NWSWSW	(Rediversion)	
	R35E S13	SWSWSW		
		SWSWSW		
		SWSWSW		
	S18	SWSESW		
	S19 LOT 1	(NWNWNW)		
	LOT 1	(NENWNW)		
	LOT 2	(NESWNW)		
		NWSESW		
	S22	SENESE		
	S23	SWNWSW		
	S25	NWSWSW		
		SWSWSW		

POINT OF DIVERSION (continued)

	SWSWSW	
	NWSWSW	
	NWSWSW	
	NESESW	
	NESESW	
	NESESW	
	NESESW	
	NESESW	
	NESESW	
	NESESW	
	NESESW	
	NESESW	
	SESESW	
	SESESW	
	SESWSE	
	SWNWSE	
	NWNWSE	
	NWNWSE	
	SWNWSE	
	NWNWSE	
	SWNWSE	
	NWSWSE	
	NWSWSE	
	NWSWSE	
	NWSWSE	
	NWSWSE	
	NWSWSE	
	NWSWSE	(Injection)
S26	NWSESE	
	NESESE	
S34	SWNWSE	(Injection)
S36	SENWNW	
	SENWNW	(Injection)
	SENWNW	(Rediversion)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	05-01 TO 11-01	21434.00 AFY
Diversion to Storage	05-01 TO 11-01	427.00 CFS

UPON SUBMISSION OF A PUMPING PLAN BY THE HOLDERS OF WATER RIGHTS 31-332, 31-11339, 31-11429, 31-11430, AND 31-11432, THE WATERMASTER, UNDER THE DIRECTION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES, MAY AUTHORIZE DIVERSION TO STORAGE AND IRRIGATION STORAGE UNDER THIS RIGHT AS EARLY AS MARCH 1, AND IRRIGATION FROM STORAGE AS EARLY AS APRIL 1. ANY DIVERSION OR USE OF WATER BEFORE MAY 1 UNDER THIS REMARK SHALL HAVE A PRIORITY DATE OF JUNE 5, 1961.

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 24261.3 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,

PLACE OF USE (continued)

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,
13-190, 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).

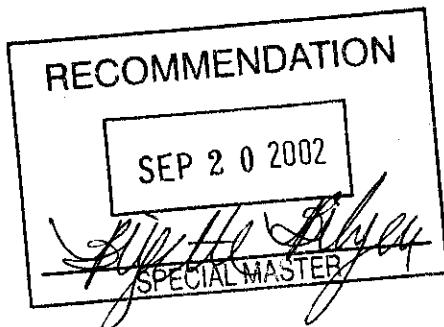
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

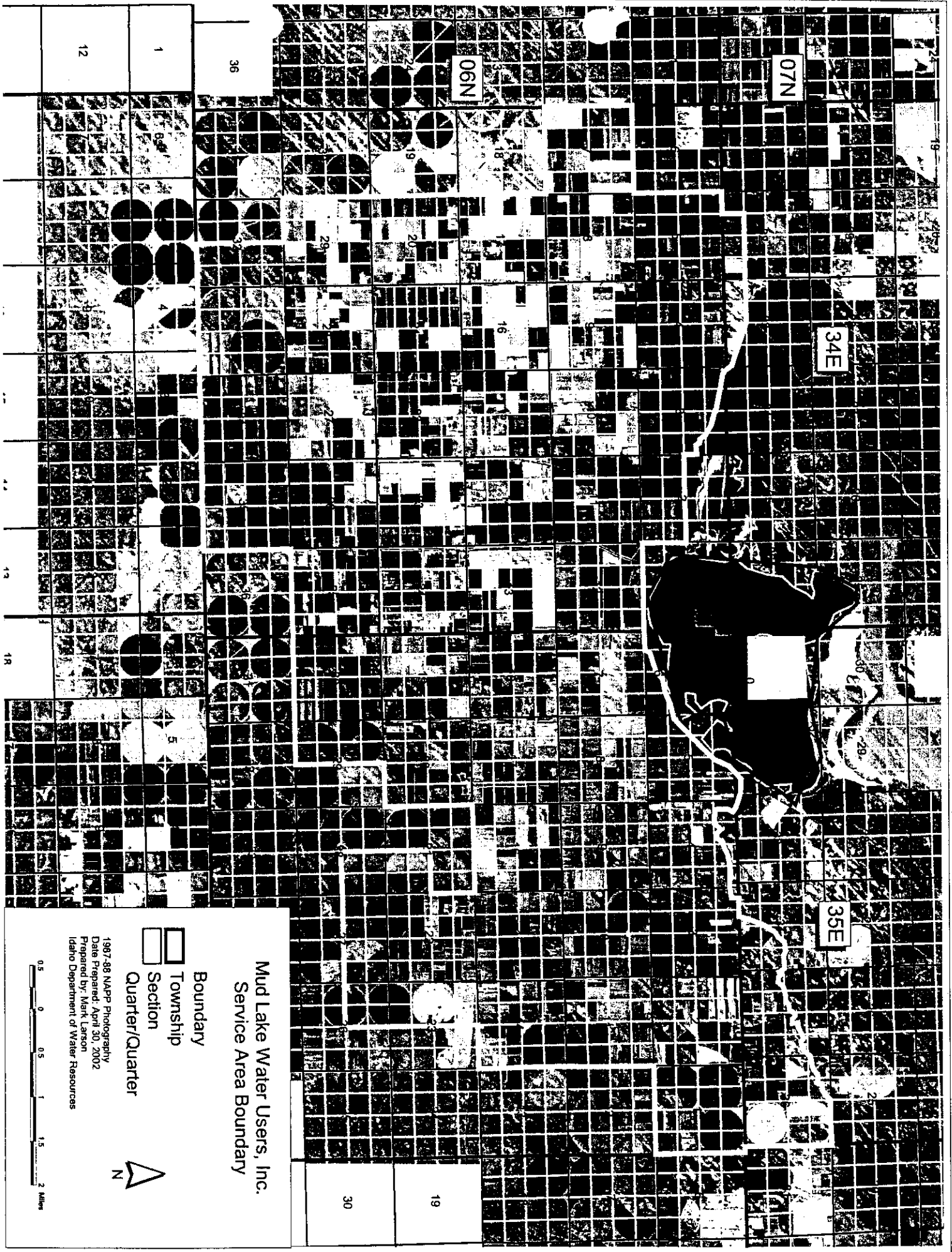
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



Mud Lake Water Users, Inc.
Service Area Boundary

- Boundary
- Township
- Section
- Quarter/Quarter

1987-88 NAPP Photography
Date Prepared: April 30, 2002
Prepared by: Mark Larson
Idaho Department of Water Resources



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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 31-11430

31-11432

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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09/20/02

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

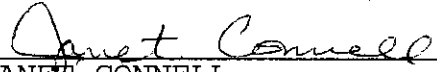
Water Right(s): 31-11430
31-11432

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