

FILED

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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT 31-00184

Page 1

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 31-00184

2002 SEP 20 AM 9:01
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 19876.80 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 80.8 CFS BY A
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER
1ST).

PRIORITY DATE: 04/15/1912

POINT OF DIVERSION: T06N R34E S01 NESWSW Within Jefferson County
NESESW
S02 NESWNW
T07N R34E S34 NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	19876.80 AFY
	Irrigation from Storage	04-01 TO 10-31	19876.80 AFY

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF THE OWSLEY DIVISION OF
MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 17818 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,
(OWSLEY 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 15320 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-184, 31-185, 31-186, 31-187, 31-188.

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

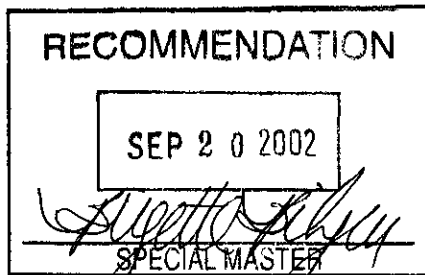
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

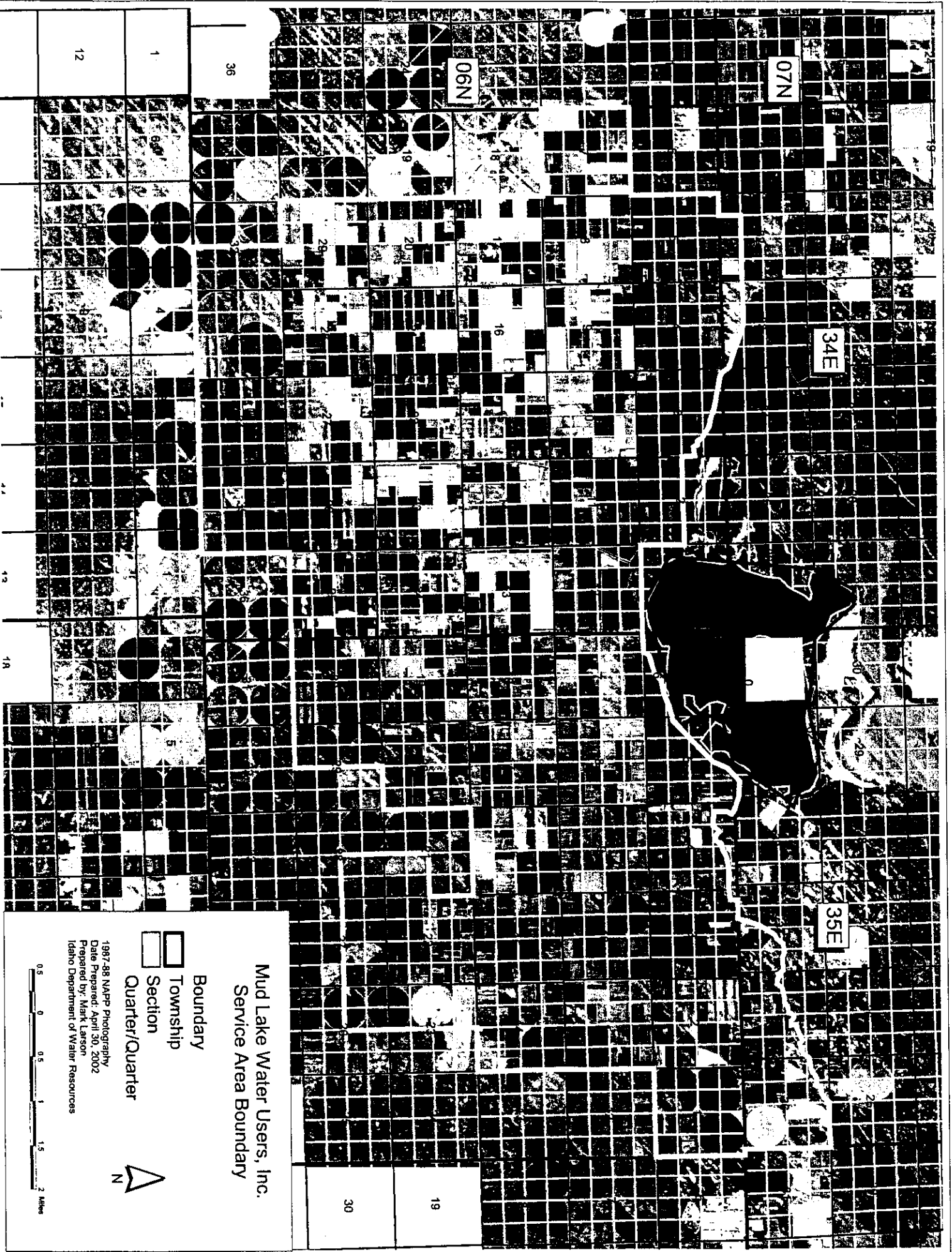
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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



2002 SEP 20 AM 9:01

DISTRICT COURT-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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

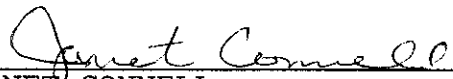
Water Right(s): 31-00184

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

2002 SEP 20 AM 9:01

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED QC

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): 31-00184

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

HAGENBARTH, MARGARET, DAVID J,
MARGARET HAGENBARTH

Represented by:
BLOOMQUIST, JOHN E.
DONEY, CROWLEY, BLOOMQUIST
108 S WASHINGTON
PO BOX 1418
DILLON, MT 59725
Phone: 406-683-8795

CERTIFICATE OF MAILING

PAGE 1
09/20/02

MUD LAKE WATER USERS INC
MUD LAKE WATER USERS, INC

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

HAGENBARTH, MARGARET, DAVID J,

Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

UNITED STATES OF AMERICA

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



JANET CONNELL
Deputy Clerk