

2002 SEP 20 AM 11:07  
DISTRICT COURT - 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     | ) | SPECIAL MASTER'S REPORT AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
|                | ) |                             |
|                | ) | FOR WATER RIGHT 31-00329    |
| _____          | ) |                             |

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.

An *Objection* was filed by the United States Bureau of Land Management on September 7, 2001. The *Objection* was resolved on January 10, 2002, with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *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 31-00329

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

SOURCE: GROUND WATER

QUANTITY: 50.00 CFS

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 73389.5 AF. COMBINED RIGHT NOS.:  
31-327, 31-328, 31-329, 31-330.

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 THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 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 200 CFS. FROM MAY 1 THROUGH NOV 1. COMBINED  
RIGHT NOS.: 31-327, 31-328, 31-329, 31-330.

PRIORITY DATE: 01/08/1932

POINT OF DIVERSION: T07N R34E S13 SWSWNE Within Jefferson County  
SESE  
S23 SENENE  
S24 SWNESE  
NENWNE  
SWNWNW  
R35E S13 SWSWSW  
S18 LOT 4 (SWSW )  
S19 LOT 1 (NENWNW)  
LOT 2 (NESWNW)  
NESENW  
LOT 1 (NWNW )  
S22 SESESE  
S23 SWNWSW  
SWSW  
S25 NWSWSW  
NWSWSW  
NWSWSW  
SWSWSW  
SWSWSW  
NESESEW  
NESESEW  
SESESEW

POINT OF DIVERSION (continued)

|     |        |
|-----|--------|
|     | NESESW |
|     | NESESW |
|     | NESESW |
|     | NESESW |
|     | SENWSE |
| S26 | NESESE |
|     | NWSESE |
| S27 | NWNE   |
| S36 | NENW   |

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE       | PERIOD OF USE  | QUANTITY  |
|----------------------|----------------|-----------|
| Diversion to Storage | 05-01 TO 11-01 | 50.00 CFS |
| Irrigation           | 05-01 TO 11-01 | 50.00 CFS |

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,  
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).

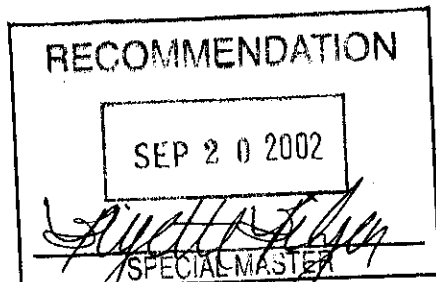
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

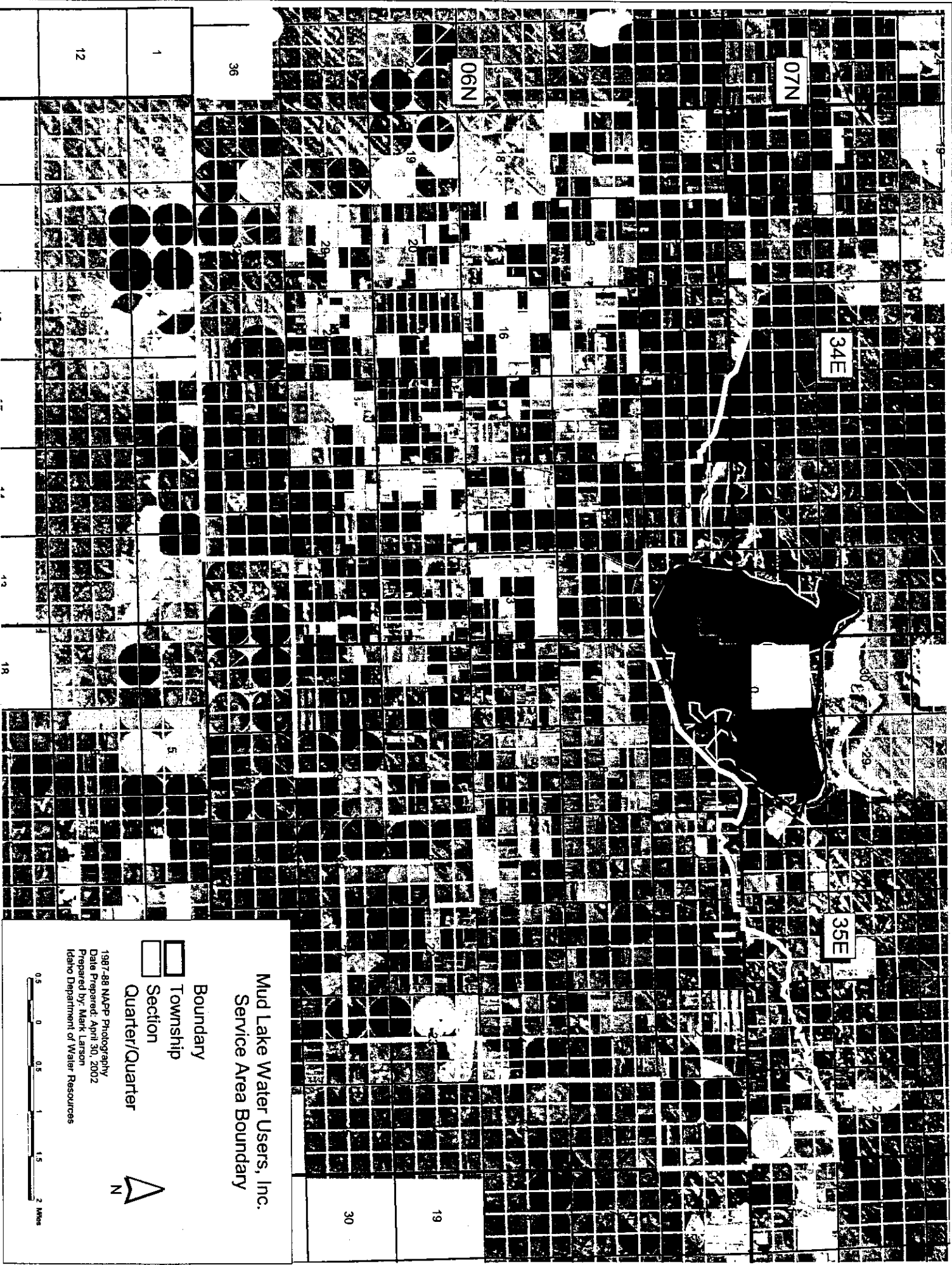
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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 NAEP Photography  
Data Prepared: April 30, 2002  
Prepared by: Mark Larson  
Idaho Department of Water Resources



2002 SEP 20 AM 11:05

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

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): 31-00327  
(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.

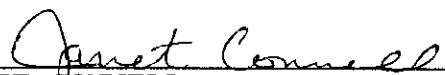
  
JANET CONNELL  
Deputy Clerk

Exhibit A

Subcase Nos:

31-00327  
31-00328  
31-00329  
31-00330  
31-00331  
31-00332  
31-00336B  
31-00337B  
31-00371  
31-02239  
31-02265  
31-02289  
31-02290  
31-02297  
31-02310  
31-02317A  
31-02317B  
31-02321  
31-02341  
31-02342  
31-02343  
31-02344  
31-02345  
31-07005

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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

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

Water Right(s): 31-00327

(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

CERTIFICATE OF MAILING

PAGE 1  
09/20/02

MUD LAKE WATER USERS INC

Represented by:

KENT W FOSTER

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

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

Exhibit A

Subcase Nos:

31-00327  
31-00328  
31-00329  
31-00330  
31-00331  
31-00332  
31-00336B  
31-00337B  
31-00371  
31-02239  
31-02265  
31-02289  
31-02290  
31-02297  
31-02310  
31-02317A  
31-02317B  
31-02321  
31-02341  
31-02342  
31-02343  
31-02344  
31-02345  
31-07005