

2002 SEP 20 AM 10:29

FILED 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     | ) | <b>SPECIAL MASTER'S REPORT AND</b> |
|                | ) | <b>RECOMMENDATION; FINDINGS OF</b> |
| Case No. 39576 | ) | <b>FACT AND CONCLUSIONS OF LAW</b> |
|                | ) |                                    |
|                | ) |                                    |
| _____          | ) | <b>FOR WATER RIGHT 31-00363</b>    |

**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 31-00363

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

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

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 1574.40 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS  
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 6.4 CFS BY A  
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER  
1ST).

PRIORITY DATE: 08/28/1926

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|-------------------------------|-------------------------|----------------|-------------|
|                               | Irrigation Storage      | 01-01 TO 12-31 | 1574.40 AFY |
|                               | Irrigation from Storage | 04-01 TO 10-31 | 1574.40 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).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

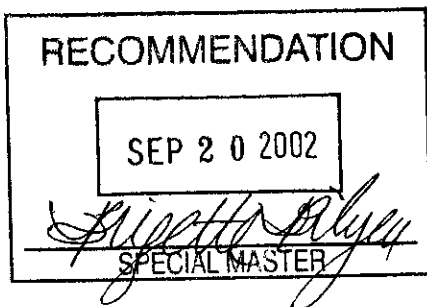
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

OTHER PROVISIONS (continued)

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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DISTRICT COURT-SRBA  
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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  
31-10958  
31-10959  
31-10960  
31-10961  
31-10962

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

CERTIFICATE OF MAILING

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

PAGE 1  
09/20/02

Exhibit A

Subcase Nos:

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