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Department of Water Resources

JUN 14 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS COUNTY

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

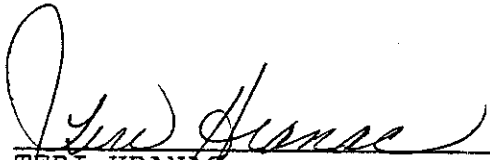
Water Right(s): 34-04005
34-04005A 34-04005B

On June 14, 2000, 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 June 14, 2000.


TERI HRANAC
Deputy Clerk

200 JUN 14 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS, 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 34-04005,
	)	34-04005A, and 34-04005B

I. FINDINGS OF FACT

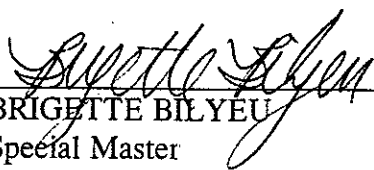
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right

All objections to water right 34-04005 were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the water right into A and B portions. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 34-04005 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 34-04005A and 34-04005B be **decreed** with the elements as set forth in the attached *Partial Decrees*.

DATED: June 14, 2000



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 34-040058

200 JUN 14 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED _____

NAME AND ADDRESS: CAROLYN SMITH
WILEY F SMITH
STAR ROUTE
MACKAY, ID 83251

SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

QUANTITY: 2.99 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/31/1934

POINT OF DIVERSION: T11N R21E S36 NESE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-15	2.80 CFS
	Stockwater	01-01 TO 12-31	0.19 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T10N R21E S02	NENE 13.0 NWNE 13.0 SENE 14.0 NWSE 16.0 SESE 16.0 NWNE 37.0 SENE 6.0 NWNW 5.0
	S11	NENE 26.0 SWNE 10.0 NENW 34.5 SENE 8.5

248.0 Acres Total

Stockwater	Within Custer County
T10N R21E S02	NWNE NWSE
S11	NWNE

USE OF THIS RIGHT WITH RIGHT 34-04005A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 248 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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).

RECOMMENDATION

JUN 14 2000

[Signature]
SPECIAL MASTER

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 34-04005A

200 JUN 14 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

NAME AND ADDRESS: CAROLYN SMITH
WILEY F SMITH
STAR ROUTE
MACKAY, ID 83251

SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

QUANTITY: 3.20 CFS

PRIORITY DATE: 11/15/1924

POINT OF DIVERSION: T11N R21E S36 NESE Within Custer County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-15 3.20 CFS

PLACE OF USE: Irrigation Within Custer County
T10N R21E S02 NENE 13.0 NWNE 13.0
SWNE 11.0 SENE 14.0
NESE 22.0 NWSE 16.0
SWSE 16.0 SESE 16.0
S11 NENE 26.0 NWNE 37.0
SWNE 10.0 SENE 6.0
NENW 34.5 NWNW 5.0
SENE 8.5
248.0 Acres Total

USE OF THIS RIGHT WITH RIGHT 34-04005B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 248 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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.

RECOMMENDATION

JUN 14 2000

SPECIAL MASTER

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

200 JUN 14 AM 9:07

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 34-04005

34-04005A 34-04005B

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 June 14, 2000, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

STATE OF IDAHO
Represented by:
HARRIET A. HENSLEY
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-4543

CERTIFICATE OF MAILING

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06/14/00