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DEPARTMENT OF
WATER RESOURCES

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

2005 JUL 14 PM 3 14

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) Subcase 45-7173A
) (Austin)
Case No. 39576)
)
_____) SPECIAL MASTER REPORT

Findings of Fact

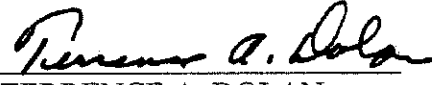
Barbara and Carl Austin, P.O. Box 93, Oakley, Idaho, 83346, filed a *Notice of Claim to a Water Right* on March 14, 1989, claiming .18 cfs from groundwater for year-'round stock and domestic uses and to irrigate 194 acres within a 215 acre place of use in Cassia County from April 1 to November 1 with a priority date of April 2, 1974, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the claim as filed.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 7, 2005 objecting to place of use. However, on July 1, 2005, the Austins and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to an additional remark under place of use.

Conclusions of Law

Barbara and Carl Austin are entitled to a partial decree adjudicating a water right under claim 45-7173A as described in the *SF 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-7173A*.

DATED July 14, 2005.


TERRENCE A. DOLAN
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2005 JUL 14 PM 3 14

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-07173A

NAME AND ADDRESS: BARBARA V AUSTIN
 CARL F AUSTIN
 PO BOX 93
 OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 0.18 CFS
 76.50 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF. COMBINED RIGHT NOS.: 45-7173A, 45-10248, & 45-13648.
USE OF THIS RIGHT WITH RIGHT NO. 45-13648 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 6.7 AF FOR STOCKWATER USE AND A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF FOR DOMESTIC USE.

PRIORITY DATE: 04/02/1974

POINT OF DIVERSION: T15S R22E S30 LOT 1 (NENWNW) Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 11-01	0.18 CFS
			76.50 AFY
Stockwater		01-01 TO 12-31	0.11 CFS
			6.70 AFY
Domestic		01-01 TO 12-31	0.04 CFS
			1.20 AFY

PLACE OF USE:			
Irrigation	T15S R21E S25	NENE 5.0	Within Cassia County
		SWNE 24.0	NWNE 13.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
		SENE 15.0	SENE 15.0
	S36	NENE 22.0	
			215.0 Acres Total
Stockwater	T15S R21E S25	NENE	Within Cassia County
		SWNE	NWNE
		SENE	SENE
		SENE	SENE
		SENE	SENE
		SENE	SENE
		SENE	SENE
		SENE	SENE
	S36	NENE	
Domestic			Within Cassia County
	T15s R21e S25	SENE	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 194 ACRES WITHIN THE

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

PLACE OF USE (continued)

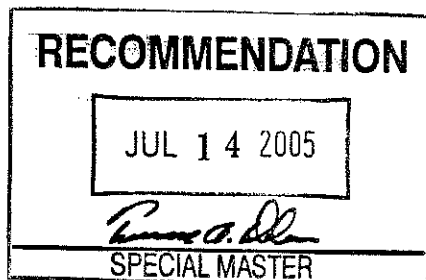
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

