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DEPARTMENT OF
WATER RESOURCES

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

2005 JUL 20 AM 11 47

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 45-2631
	)	(Price)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

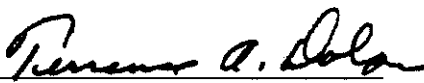
Eugene and Bertha Price, 2331 W. 16th Street, Burley, Idaho, 83318, filed a *Notice of Claim to a Water Right* on April 8, 1988, claiming 3.27 cfs from groundwater to irrigate 167 acres in Cassia County from March 15 to November 15 with a priority date of October 26, 1960, based on a license. The Director 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 except for irrigation of 202.1 acres.

The Prices filed an *Objection* on October 22, 2004, objecting to place of use. However, on July 12, 2005, the Prices withdrew their *Objection* in open court during an initial hearing and their motion was granted on the record.

Conclusions of Law

Eugene and Bertha Price are entitled to a partial decree adjudicating a water right under claim 45-2631 as described in the *Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-2631*.

DATED July 20, 2005


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

James A. Hall

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
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-02631

NAME AND ADDRESS: BERTHA PRICE
EUGENE F PRICE
2331 W 16TH ST
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 3.27 CFS
668.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-10000 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.27 CFS.

PRIORITY DATE: 10/26/1960

POINT OF DIVERSION: T11S R21E S02 SESENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.27 CFS 668.00 AFY

PLACE OF USE: Irrigation Within Cassia County

T10S R21E S35	NESE 3.6	SESE 31.0
S36	SWSW 0.5	
T11S R21E S02 LOT 1	(NENE) 43.0	LOT 2 (NWNE) 44.0
	SWNE 40.0	SENE 40.0
202.1 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 45-10000 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 202.1 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 167 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

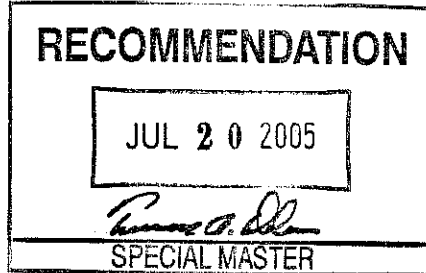
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho
Code.

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

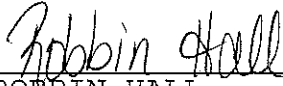
Water Right(s): 45-02631

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 July 20, 2005, with sufficient first-class postage prepaid to the following:

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

BERTHA PRICE
EUGENE F PRICE
2331 W 16TH ST
BURLEY, ID 83318
Phone: 208-678-5570



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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07/20/05

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

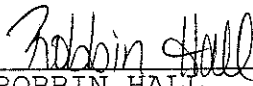
Water Right(s): 45-02631

On July 20, 2005, Special Master TERRENCE A. DOLAN 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 July 20, 2005.



ROBBIN HALL
Deputy Clerk

