

RECEIVED

AUG 31 2005

DEPARTMENT OF
WATER RESOURCES

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

2005 AUG 30 PM 2 50

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) Subcases 45-151 and 45-13648
Case No. 39576) (Austin)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

45-151

Barbara and Carl Austin, P.O. Box 93, Oakley, Idaho, 83346, filed a *Notice of Claim to a Water Right* on March 14, 1989, under 45-151 claiming 4.3 cfs from Goose Creek and Cold Creek for year-round stockwater use and to irrigate 225 acres in Cassia County from April 15 to July 20 with a priority date of February 21, 1925, based on a decree. 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 claim 45-151 as filed, but for both claimed uses from April 15 to July 20 and irrigation of 209 acres within a 215 acre place of use.

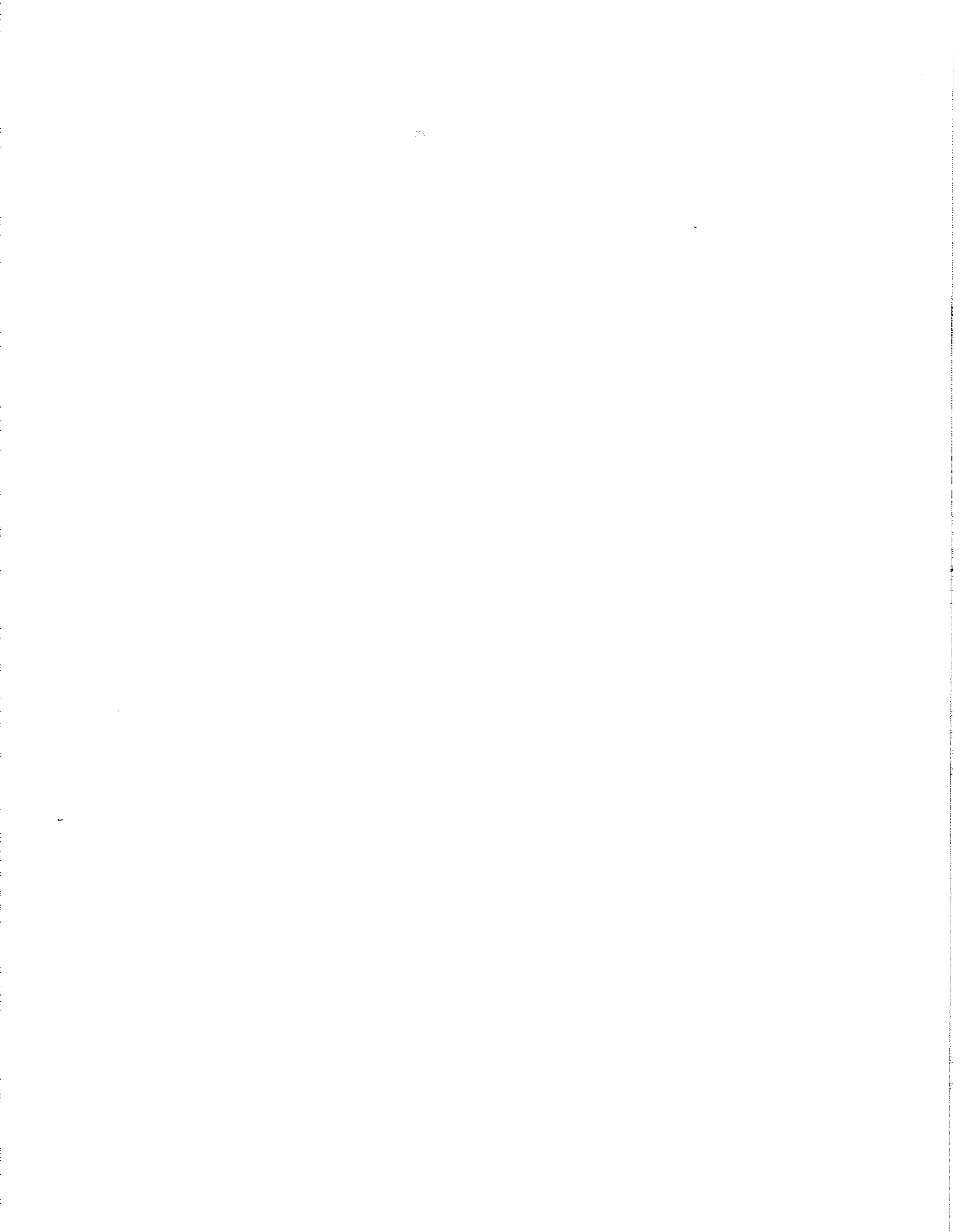
45-13648

The Director also recommended claim 45-13648 to the Austins for 2.19 cfs / 724.5 afy from groundwater for year-round domestic and stockwater uses and to irrigate 207 acres within a 215 acre place of use from April 1 to October 31 with a priority date of April 29, 1948, based on beneficial use.¹ No one objected to claim 45-13648.

Objections to 45-151

The United States of America, Department of Interior, Bureau of Land Management, filed an *Objection* on January 7, 2005, objecting to place of use. The Austins filed a late *Objection* on February 16, 2005, objecting to source.

¹ IDWR identified claim 45-13648 as an overlapping, or combined, right with claims 45-151, 45-7173A and 45-10248. Claims 45-7173A and 45-10248 were reported and recommended by the Special Master on July 14, 2005.



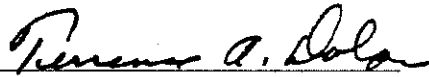
SF-5 for 45-151

The Austins and the United States, with IDWR's concurrence, filed a *Standard Form 5* on August 26, 2005, agreeing to add remarks under the source and place of use elements and amend the remark under the period of use element.

Conclusions of Law

Barbara and Carl Austin are entitled to partial decrees adjudicating water rights as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-151 and 45-13648*.

DATED August 30, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Handwritten signature or scribble.

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 _____

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-00151

2005 AUG 30 PM 2 50

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

SOURCE: COLD CREEK TRIBUTARY: GOOSE CREEK
GOOSE CREEK TRIBUTARY: SNAKE RIVER

THE GOOSE CREEK DRAINAGE IS TRIBUTARY TO THE SNAKE RIVER BASIN;
HOWEVER, SURFACE FLOWS OF GOOSE CREEK IN THE VICINITY OF OAKLEY,
IDAHO NO LONGER REACH THE SNAKE RIVER AND INSTEAD SINK INTO THE
GROUND.

QUANTITY: 4.30 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION: T15S R21E S25 SESENE Within Cassia County
NENWSE
NWSWSE
R22E S31 LOT 3 (NWNWSW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 07-20	4.30 CFS
	Stockwater	04-15 TO 07-20	0.12 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation		Within Cassia County	
T15S R21E S25	NENE 5.0	NWNE 13.0	SENE 15.0
	SWNE 24.0	SENE 15.0	NESW 11.0
	SENE 6.0	SENE 15.0	NESW 11.0
	SESW 6.0	NESE 21.0	SESE 35.0
	NWSE 27.0	SWSE 30.0	
	SESE 35.0		
	NENE 22.0		
S36			
215.0 Acres Total			
Stockwater		Within Cassia County	
T15S R21E S25	NWNE	SWNE	
	SENE	SENE	
	NESW	SESW	
	NESE	NWSE	
	SWSE	SESE	
S36	NENE		

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 209 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

PLACE OF USE (continued)

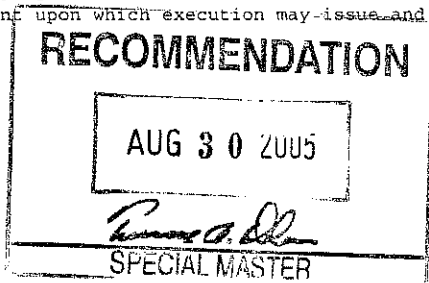
THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

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

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 AUG 30 PM 2 50

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 45-13648

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

SOURCE: GROUND WATER

QUANTITY: 2.19 CFS
 724.50 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. 45-7173A 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 TO 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: 04/29/1948

POINT OF DIVERSION: T15S R21E S25 NESENE Within Cassia County
 NESESW
 NESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	2.19 CFS
			724.50 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		Within Cassia County
	T15S R21E S25	NENE 5.0	NWNE 13.0
		SWNE 24.0	SENE 15.0
		SENW 6.0	NESW 11.0
		SESW 6.0	NESE 21.0
		NWSE 27.0	SWSE 30.0
		SESE 35.0	
	S36	NENE 22.0	
	215.0 Acres Total		
	Stockwater		Within Cassia County
	T15S R21E S25	NWNE	SWNE
		SENE	SENW
		NESW	SESW
		NESE	NWSE
		SWSE	SESE
	S36	NENE	
	Domestic		Within Cassia County
	T15S R21E S25	SWSE	

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.

PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 207 ACRES WITHIN THE 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.

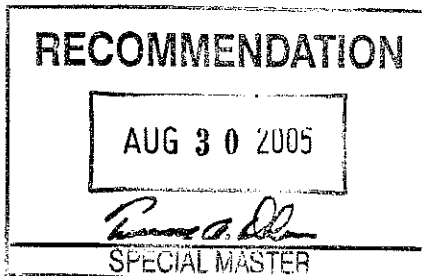
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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

