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Department of Water Resources
Adjudication Bureau

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

2006 MAY 16 PM 3 32

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 45-11901 and 45-11902
Case No. 39576) (Bray & Carey)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

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 45-11901 to D.L. Evans Bank, Attn: James P. Evans, P.O. Box 87, Twin Falls, Idaho, 83303, for .04 cfs from groundwater for year-round domestic use in Cassia County with a priority date of January 1, 1916, based on beneficial use. The Director recommended that claim 45-11902, with the same claimant, be disallowed: "No beneficial use found."

IDWR filed a *Notice of Completed Administrative Proceeding* in both subcases on December 17, 2004, for a substitution of party with the new claimants being Claudette Bray, 554 Spring Creek Road, Burley, Idaho, 83318, and June G. Carey, 462 E. Hwy 81, Burley, Idaho, 83318. The new claimants filed *Objections* on February 28, 2005, objecting to quantity and one of the claims being recommended disallowed.

On May 11, 2006, the claimants and IDWR filed *Standard Forms 5* amending quantity, priority date, points of diversion and place of use for 45-11901 and for 45-11902, agreeing to .08 cfs from groundwater to irrigate 2.7 acres in cassia County from March 15 to November 15 with a priority date of March 15, 1934, based on beneficial use.

Conclusions of Law

Claudette Bray and June G. Carey are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master*

Recommendations for Partial Decrees for Water Rights 45-11901 and 45-11902.

DATED May 16, 2006.



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
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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-11902

NAME AND ADDRESS: JUNE G CAREY
462 E HWY 81
BURLEY, ID 83318

BRAY, CLAUDETTE
554 SPRING CREEK RD
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
10.80 AFY

PRIORITY DATE: 03/15/1934

POINT OF DIVERSION: T11S R24E S06 LOT 3 (NENENW) Within Cassia County
LOT 3 (NENENW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.08 CFS 10.80 AFY

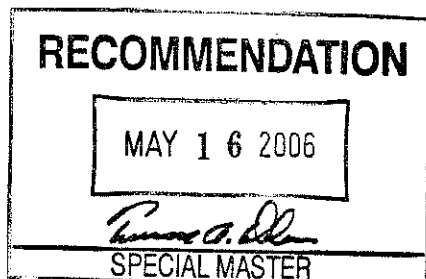
PLACE OF USE: Irrigation Within Cassia County
T11S R24E S06 LOT 3 (NENW) 2.7
2.7 Acres Total

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
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In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-11901

NAME AND ADDRESS: JUNE G CAREY
462 E HWY 81
BURLEY, ID 83318

CLAUDETTE BRAY
554 SPRING CREEK RD
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
2.00 AFY

PRIORITY DATE: 03/15/1934

POINT OF DIVERSION: T11S R24E S06 LOT 3 (NENENW) Within Cassia County
LOT 3 (NENENW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Domestic

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.04 CFS
2.00 AFY

PLACE OF USE: Domestic Within Cassia County
T11S R24E S06 LOT 3 (NENW)

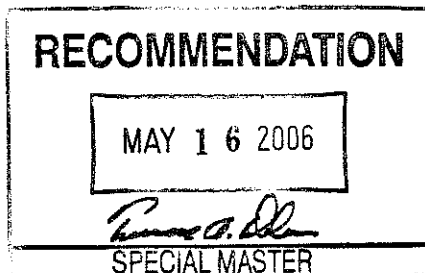
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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



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TWIN FALLS CO., IDAHO
FILED _____

2006 MAY 16 PM 3 32

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): 45-11901
45-11902

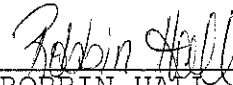
CERTIFICATE OF MAILING

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 May 16, 2006, with sufficient first-class postage prepaid to the following:

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

JUNE G CAREY
462 E HWY 81
BURLEY, ID 83318

BRAY, CLAUDETTE
CLAUDETTE BRAY
554 SPRING CREEK RD
BURLEY, ID 83318



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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05/16/06

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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

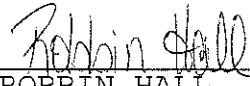
Water Right(s): 45-11901
45-11902

On May 16, 2006, 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 May 16, 2006.



ROBBIN HALL
Deputy Clerk