

2008 JAN 16 AM 11 44

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
)
Case No. 39576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 78-00183,
) 78-00184, 78-10071, and 78-10215

I. FINDINGS OF FACT

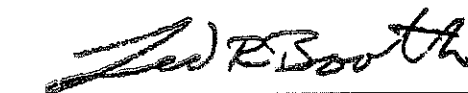
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water right nos. 78-00183, 78-00184, and 78-10071. The *Director's Report* for water right claim 78-10215 recommended that the claim be disallowed.

On September 13, 2007, Jack and Arlene Hubbard filed an objection to the *Director's Report* for water right 78-10215. Water right claims 78-00183, 78-00184, and 78-10071 were identified by IDWR as uncontested overlapping rights. On October 2, 2007, IDWR filed *Amended Director's Reports* for each of the claims, which were published on the Court's monthly docket sheet. No objections were filed to the *Amended Director's Reports*, and the time for doing so has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 78-00183, 78-00184, 78-10071, and 78-10215 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Jan. 14, 2008



Theodore R. Booth
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 - JABA
TWIN FALLS COUNTY, IDAHO
FILED

2008 JAN 18 AM 11 44

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 78-00183

NAME AND ADDRESS: ARLENE HUBBARD
JACK D HUBBARD
3127 SUBSTATION RD
NEW MEADOWS, ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

Water is delivered from the West Branch of Goose Creek.

QUANTITY: 0.192 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T19N R02E S29 SENE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.192 CFS

PLACE OF USE: Irrigation Within Adams County
T19N R02E S30 NENW 34.0
34.0 Acres Total

This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 153 acres in a single irrigation season. Combined Right Nos.: 78-183, 78-184, 78-10071 and 78-10215 Right Nos. 78-183, 78-184 and 78-10071 are limited to the irrigation of a combined total of 34 acres 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.

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

RECOMMENDATION

JAN 18 2008

John M. Melanson
SPECIAL MASTER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE SRBA
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
TWIN FALLS CO., IDAHO

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 78-00184

2008 JAN 16 PM 11:45

NAME AND ADDRESS: ARLENE HUBBARD
JACK D HUBBARD
3127 SUBSTATION RD
NEW MEADOWS, ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

Water is delivered from the West Branch of Goose Creek.

QUANTITY: 0.128 CFS

PRIORITY DATE: 05/01/1917

POINT OF DIVERSION: T19N R02E S29 SENE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.128 CFS

PLACE OF USE: Irrigation Within Adams County
T19N R02E S30 NENW 34.0
34.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 153 acres in a single irrigation season. Combined Right Nos.: 78-183, 78-184, 78-10071 and 78-10215. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season. Right Nos. 78-183, 78-184 and 78-10071 are limited to the irrigation of a combined total of 34 acres 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.

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

RECOMMENDATION

JAN 16 2008

Red Booth
SPECIAL MASTER

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

2008 JAN 16 AM 11 44

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-10071

NAME AND ADDRESS: ARLENE HUBBARD
JACK D HUBBARD
3127 SUBSTATION RD
NEW MEADOWS, ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER
Water is delivered from the West Branch of Goose Creek.

QUANTITY: 0.50 CFS

PRIORITY DATE: 09/26/1922

Pursuant to a call in times of scarcity, this right is junior to
Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B,
78-2042 and 78-2056.

POINT OF DIVERSION: T19N R02E S29 SENE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.50 CFS

PLACE OF USE: Irrigation Within Adams County
T19N R02E S30 NENW 34.0
34.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 153 acres in a single irrigation season.
Combined Right Nos.: 78-183, 78-184, 78-10071 and 78-10215
Right Nos. 78-183, 78-184 and 78-10071 are limited to the
irrigation of a combined total of 34 acres 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.

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

RECOMMENDATION

JAN 16 2008

SPECIAL MASTER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-10215

2008 JAN 16 PM 11 44

NAME AND ADDRESS: ARLENE HUBBARD
JACK D HUBBARD
3127 SUBSTATION RD
NEW MEADOWS, ID 83654

SOURCE: WASTE WATER TRIBUTARY: LITTLE CREEK

QUANTITY: 3.00 CFS

PRIORITY DATE: 04/05/1957

POINT OF DIVERSION: T19N R02E S30 SESW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T19N R02E S30	SENW 40.0
		NENW 36.0
		SESW 37.0
	153.0 Acres Total	

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 78-183, 78-184, 78-10071 AND 78-10215

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

THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING
IT, OR TO RECAPTURE IT.

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

RECOMMENDATION

JAN 16 2008

SPECIAL MASTER

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

2008 JAN 16 AM 11 23

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

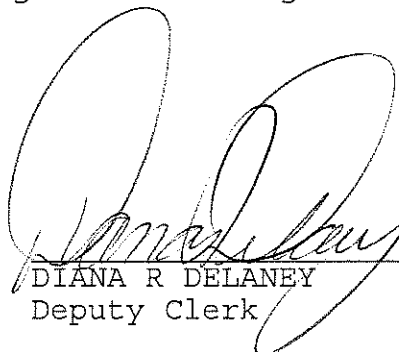
Water Right(s): 78-00183
78-00184 78-10071 78-10215

On January 16, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 January 16, 2008.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - IDAHO
TWIN FALLS CO. IDAHO
FILED _____

2008 JAN 16 AM 11 23

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 78-00183
78-00184 78-10071 78-10215

CERTIFICATE OF MAILING

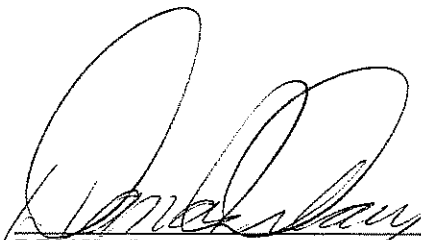
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 16, 2008, with sufficient first-class postage prepaid to the following:

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

ARLENE & JACK HUBBARD
13469 E 46TH ST
YUMA, AZ 85367

ARLENE HUBBARD
JACK & ARLENE HUBBARD
JACK D HUBBARD
3127 SUBSTATION RD
NEW MEADOWS, ID 83654
Phone: 208-628-3758

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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