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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 29 2010
By _____ Clerk
Deputy Clerk

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 63-32481,
	) 63-32482, 63-33283, and 63-33284
	)
	) RECOMMENDATION OF
	) DISALLOWANCE FOR 63-08782

I. FINDINGS OF FACT

A notice of claim was filed for water right 63-08782 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 63-08782.

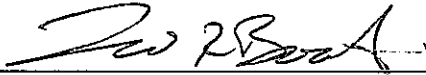
Although no objections were filed to the *Director's Report* for water right 63-08782, on January 30, 2009, this Special Master issued an *Order Setting Hearing to Ascertain Status of Licensure Proceeding*. Subsequently, a *Notice of Completed Administrative Proceeding* was filed splitting water right 63-08782 into water rights 63-33283 and 63-33284. Water right claims 63-32481 and 63-32482 were identified as uncontested overlapping water rights. It is the understanding of this Special Master that all issues have been resolved with respect to the above-captioned water right claims.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-32481, 63-32482, 63-33283, and 63-33284 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER

RECOMMENDED that the SRBA District Court enter a final order disallowing water right number 63-08782.

Dated April 29, 2010



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

In Re SRBA)
)
Case No. 39576)
)
Water Right 63-32481

NAME AND ADDRESS: WAYNE L TUFT LLC
C/O CANDY SIMPSON
17581 MADISON RD
NAMPA, ID 83687

SOURCE: GROUND WATER

QUANTITY: 0.15 CFS
77.36 AFY

PRIORITY DATE: 03/01/1948

POINT OF DIVERSION: T03N R02W S04 NESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.15 CFS
			77.36 AFY

PLACE OF USE: Irrigation Within Canyon County
T03N R02W S04 SWNE 2.0 NESE 15.0
NWSE 12.0
29.0 Acres Total

Right Nos. 63-32481 and 63-33283 are limited to the irrigation
of a combined total of 59 acres in a single irrigation season.

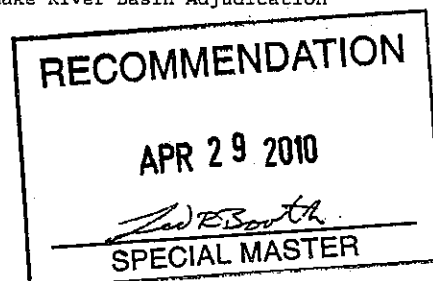
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-33283

NAME AND ADDRESS: WAYNE L TUFT LLC
C/O CANDY SIMPSON
17851 MADISON RD
NAMPA, ID 83687

SOURCE: GROUND WATER

QUANTITY: 0.90 CFS

This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the authorized place of use.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 216.0 af at the field headgate.

PRIORITY DATE: 05/04/1977

POINT OF DIVERSION: T03N R02W S04 NESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.90 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R02W S04	SWNE 14.5 NWSE 21.0
	48.0 Acres Total	NESE 12.5

Right Nos. 63-32481 and 63-33283 are limited to the irrigation of a combined total of 59 acres in a single irrigation season.

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

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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).

RECOMMENDATION

APR 29 2010

Red B. Booth
SPECIAL MASTER

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.

Eric J. Wildman
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32482

NAME AND ADDRESS: SHIRLEY T JOHNSON FAMILY TRUST
C/O DEBRA BEDONT
C/O DAVID JOHNSON
11481 SPRING STONE DR
SOUTH JORDAN, UT 84095

SOURCE: GROUND WATER

QUANTITY: 0.30 CFS
154.70 AFY

Right Nos. 63-32482 and 63-33284 are limited to a total combined
diversion rate of 1.2 cfs.

PRIORITY DATE: 03/01/1948

POINT OF DIVERSION: T03N R02W S04 NESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.30 CFS
			154.70 AFY

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R02W S04	SENE 18.0
	SWNE 22.0	
	NESE 17.0	
	57.0 Acres Total	

Right Nos. 63-32482 and 63-33284 are limited to the irrigation
of a combined total of 60 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 29 2010

Eric J. Wildman
SPECIAL MASTER

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-33284

NAME AND ADDRESS: SHIRLEY T JOHNSON FAMILY TRUST
C/O DEBRA BEDONT
C/O DAVID JOHNSON
11481 SPRING STONE DR
SOUTH JORDAN, UT 84095

SOURCE: GROUND WATER

QUANTITY: 1.10 CFS

This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the authorized place of use.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 270.0 af at the field headgate.
Right Nos. 63-32482 and 63-33284 are limited to a total combined diversion rate of 1.2 cfs.

PRIORITY DATE: 05/04/1977

POINT OF DIVERSION: T03N R02W S04 NESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.10 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R02W S04	SENE 18.0
	SWNE 23.5	
	NESE 18.5	
	60.0 Acres Total	

Right Nos. 63-32482 and 63-33284 are limited to the irrigation of a combined total of 60 acres in a single irrigation season.

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

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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).

RECOMMENDATION

APR 29 2010

Lee R. Booth
SPECIAL MASTER

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 29 2010

By _____ Clerk
Deputy Clerk

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

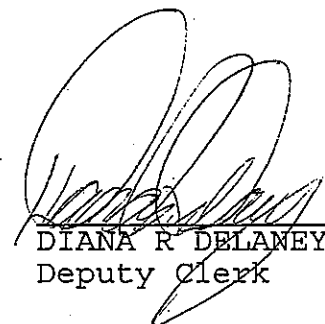
Water Right(s): 63-08782
63-32481 63-32482 63-33283
63-33284

On April 29, 2010, Special Master THEODORE R. BOOTH 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 April 29, 2010.


DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 29 2010	
By _____	Clerk
_____	Deputy Clerk

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): 63-08782
63-32481 63-32482 63-33283
63-33284

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 April 29, 2010, with sufficient first-class postage prepaid to the following:

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

WAYNE L TUFT LLC
C/O CANDY SIMPSON
17581 MADISON RD
NAMPA, ID 83687

WAYNE L TUFT LLC
C/O CANDY SIMPSON
17851 MADISON RD
NAMPA, ID 83687

SHIRLEY T JOHNSON FAMILY TRUST
C/O DEBRA BEDONT
C/O DAVID JOHNSON
11481 SPRING STONE DR
SOUTH JORDAN, UT 84095

CERTIFICATE OF MAILING

PAGE 1
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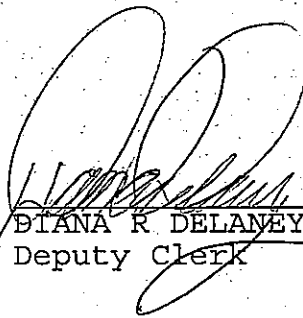
DEBBIE BEDONTE, TRUSTEE
TRUSTEE DEBBIE BEDONTE
11481 S SPRING STONE DR
SOUTH JORDAN, UT 84095

CLAYONE O TUFT
17293 NORTHSIDE BLVD
NAMPA, ID 83687
Phone: 208-466-4072

COURTNEY TUFT
17501 NORTHSIDE BLVD
NAMPA, ID 83687
Phone: 208-467-5935

WAYNE L TUFT
17699 NORTHSIDE BLVD
NAMPA, ID 83687
Phone: 208-466-4740

CANDY SIMPSON
17851 MADISON RD
NAMPA, ID 83687



DIANA R. DELANEY
Deputy Clerk