

DEPARTMENT OF
WATER RESOURCES

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

FEB 23 2011

By _____ Clerk

L. DISTRICT OF THE
OF TWIN FALLS

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 47-00152A, 47-**
) **00152C, 47-00152D, and 47-00152E**

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 for the elements of water rights 47-00152A, 47-00152C, and 47-00152E. The *Director's Report* recommended 47-00152D be disallowed.

On April 2, 2007, the claimants of 47-00152D, Harry and Gloria Kissinger, filed an objection to the *Director's Report* asserting that the water right claim should not be disallowed. The remaining water right claims were identified as uncontested claims that may be affected by the outcome of the contested claim. On December 16, 2010, IDWR filed an *Amended Director's Report* for water right claim 47-00152D. No objections were filed to the *Amended Director's Report* and the objection period has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 47-00152A, 47-00152C, 47-00152D, and 47-00152E be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Feb 23, 2011


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)
)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
)
) Water Right 47-00152A

NAME AND ADDRESS: SHIRLEY MOCROFT
1439 9TH AVE E
TWIN FALLS, ID 83301

GERALD MARTIN
6402 S 32 ST
PHOENIX, AZ 85040

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.05 CFS

This right when combined with all other rights shall provide no
more than 0.03 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 03/14/1892

POINT OF DIVERSION: T12S R18E S24 NWNWSW Within Twin Falls County
SWSWSW

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 11-15	0.05 CFS

PLACE OF USE: Irrigation Within Twin Falls County
T12S R18E S24 SWSW 1.7
1.7 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.

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

RECOMMENDATION

FEB 23 2010

Red R. 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-00152C

NAME AND ADDRESS: BEVERLY WOJCIK
BRUCE C WOJCIK
2532 ROCK CREEK RD
HANSEN, ID 83334

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS
6.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands herein.

PRIORITY DATE: 03/14/1892

POINT OF DIVERSION: T12S R18E S24 NWNWSW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.03 CFS
			6.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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 Twin Falls County
T12S R18E S24 NWSW 1.5
1.5 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).

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RECOMMENDATION

FEB 23 2010

Eric J. Wildman
SPECIAL MASTER

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-00152D

NAME AND ADDRESS: GLORIA L KISSINGER
HARRY P KISSINGER
2536 ROCK CREEK RD
HANSEN, ID 83334

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 03/14/1892

POINT OF DIVERSION: T12S R18E S24 SWSNW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T12S R18E S24	SWNW 0.1 NWSW 0.2
	0.3 Acres Total	

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

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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

FEB 23 2010

Red R. 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

In Re SRBA

Case No. 39576

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

Water Right 47-00152E

NAME AND ADDRESS:

DAVID A BROSE
SUSAN C BROSE
PO BOX 1506
TWIN FALLS, ID 83303-1506

SOURCE:

ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY:

0.13 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per-acre for irrigation of the lands below.

PRIORITY DATE:

03/14/1892

POINT OF DIVERSION:

T12S R18E S24 NWNWSW Within Twin Falls County
SWSWSW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.13 CFS

PLACE OF USE:

PLACE OF USE	QUANTITY
Irrigation	Within Twin Falls County
T12S R18E S24	NWSW 3.0 SWSW 3.6
6.6 Acres Total	

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

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

RECOMMENDATION

FEB 23 2010

[Signature]
SPECIAL MASTER

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 23 2011	
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

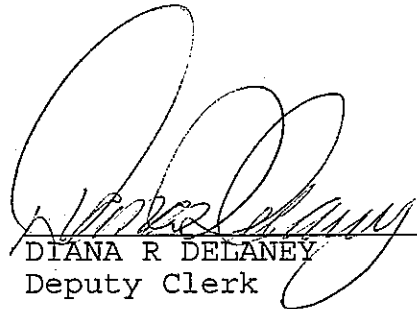
Water Right(s): 47-00152A
47-00152C 47-00152D 47-00152E

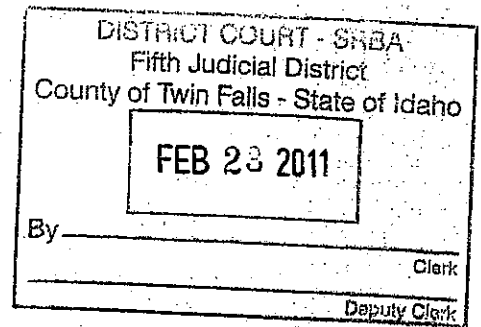
On February 23, 2011, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 February 23, 2011.


DIANA R DELANEY
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): 47-00152A
47-00152C 47-00152D 47-00152E

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 February 23, 2011, with sufficient first-class postage prepaid to the following:

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

DAVID A BROSE
SUSAN C BROSE
PO BOX 1506
TWIN FALLS, ID 83303-1506
Phone: 208-423-6290

SHIRLEY MOCROFT
1439 9TH AVE E
TWIN FALLS, ID 83301
Phone: 208-734-5964

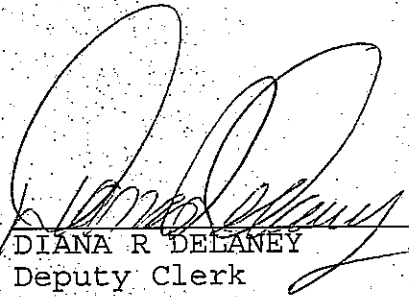
CERTIFICATE OF MAILING

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BEVERLY WOJCIK
BRUCE C WOJCIK
2532 ROCK CREEK RD
HANSEN, ID 83334
Phone: 208-423-5861

GLORIA L KISSINGER
HARRY P & GLORIA L KISSINGER
HARRY P KISSINGER
2536 ROCK CREEK RD
HANSEN, ID 83334
Phone: 208-423-6244

GERALD MARTIN
6402 S 32 ST
PHOENIX, AZ 85040



DIANA R DELANEY
Deputy Clerk