

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-13234
Date Received: 7/12/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

AMERICA ACTING THROUGH UNITED STATES

Phone:

PO BOX 33C
BOISE ID USA 83724

2. Date of Priority: 07/02/1968

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	27E	35	SE SW SW	CASSIA	
10S	27E	2	NW NW NE	CASSIA	
10S	27E	2	NW NW SW	CASSIA	
10S	27E	11	NW NE NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/15	0.09	18

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 18 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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09S	27E	35	NE	SW	IRRIGATION	0.5
					Section Acres	0.5
10S	27E	11	SE	NE	IRRIGATION	14.3
					Section Acres	14.3
					Total Acres	14.8

11. Place of use in counties: CASSIA

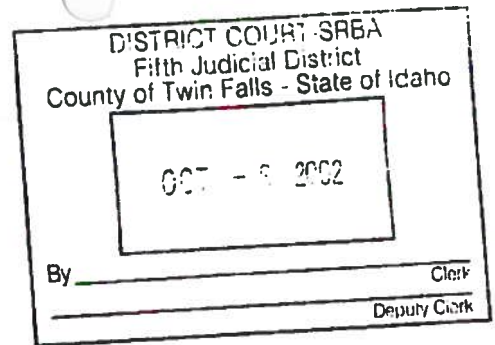
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right was split from 43-7005, per ownership change of part of the right to BLM.

15. Basis of Claim: License



**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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 43-13233 and 43-13234**
)

On August 22, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-13233 and 43-13234 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 8, 2002


ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT - 3 2002	
By _____	Clerk
_____	Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-13234

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.09 CFS
18.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF .21 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 59.2 AF. COMBINED RIGHT NOS.: 43-13230,
43-13232, 43-13234, & 43-13236.

PRIORITY DATE: 07/02/1968

POINT OF DIVERSION: T09S R27E S35 SESWSW Within Cassia County
T10S R27E S02 LOT 2 (NWNWNE)
NWNWSW
S11 NWNENW

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	0.09 CFS 18.00 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 NOVEMBER 1 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
T09S R27E S35 NESW 0.5
T10S R27E S11 SENE 14.3
14.8 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 14.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, &
43-13236.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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).

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

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.



Roger Byrdick
Presiding Judge of the
Snake River Basin Adjudication

2002 OCT 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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): 43-13234

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-13234 was mailed
on October 08, 2002, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/08/02

RECEIVED

AUG 23 2002

Department of Water Resources

AUG 22 PM 3:28

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

**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

) Subcases 43-07005, 43-13233
) (Webb Basin Dairy) and
) 43-13234 (USDI/BLM)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

Webb Basin Dairy, HC 76, Box 1050, American Falls, Idaho 83211, filed a *Notice of Claim to a Water Right* under 43-07005 on May 23, 1989, claiming 6.4 cfs from groundwater for year-'round stockwater use and to irrigate 1,126 acres in Cassia County from May 1 to October 15 with a priority date of July 2, 1968, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but for irrigation of 1,051.2 acres.

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, filed an *Objection* on February 8, 2002, objecting to place of use. On August 14, 2002, Webb Basin Dairy, the United States and IDWR filed *Standard Forms 5* agreeing to split 43-07005 into 43-13233 (Webb Basin Dairy) and 43-13234 (USDI/BLM).

Conclusions of Law

Webb Basin Dairy and the USDI/BLM are entitled to partial decrees adjudicating water rights under claims 43-13233 (Webb Basin Dairy) and 43-13234 (USDI/BLM) as described in the *Standard Forms 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-13233 and 43-13234*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 43-07005 **not** be adjudicated as a water right, the claim having been split into 43-13233 and 43-13234.

DATED August 22, 2002.



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-13233

2002 AUG 22 PM 3:28
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *mc*

NAME AND ADDRESS: WEBB BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 6.31 CFS
1262.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 15.02 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4145.6 AF. COMBINED RIGHT NOS.: 43-13229,
43-13231, 43-13233, & 43-13235.

PRIORITY DATE: 07/02/1968

POINT OF DIVERSION: T09S R27E S15 SESWS Within Cassia County
T10S R27E S02 LOT 2 (NWNWNE)
NWNWSW
S11 NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	6.31 CFS 1262.00 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 MAY 1 AND AFTER OCTOBER 15 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
	T09S R27E S34 SESE 34.8	
	S35 NWSW 5.1	SWSW 40.1
	SESW 18.2	
	T10S R27E S02 LOT 1 (NENE) 30.4	LOT 2 (NWNE) 28.3
	SWNE 30.3	SENE 25.3
	LOT 3 (NENW) 37.9	LOT 4 (NWNW) 40.3
	SWNW 33.2	SENE 39.3
	NESW 32.9	NWSW 39.0
	SWSW 40.3	SESW 37.3
	NESE 36.8	NWSE 40.1
	SWSE 37.9	SESE 40.4
	S03 LOT 1 (NENE) 33.9	SENE 8.6
	NESE 7.2	SESE 13.4
	S10 NENE 29.7	SENE 9.6
	S11 NENE 26.6	NWNE 40.3
	SWNE 40.3	NENW 38.8
	NWNW 40.3	SWNW 39.0
	SENE 40.3	
	1035.9 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 1035.9 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-13229, 43-13231, 43-13233, &

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

PLACE OF USE (continued)

43-11235.

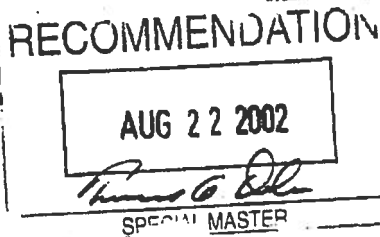
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



Roger Burdick
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 43-13234

AUG 22 PM 3:28
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.09 CFS
18.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF .21 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 59.2 AF. COMBINED RIGHT NOS.: 43-13230,
43-13232, 43-13234, & 43-13236.

PRIORITY DATE: 07/02/1968

POINT OF DIVERSION: T09S R27E S35 SESWS Within Cassia County
T10S R27E S02 LOT 2 (NWNWNE)
NWNWSW
S11 NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	0.09 CFS 18.00 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 NOVEMBER 1 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
T09S R27E S35 NESW 0.5
T10S R27E S11 SENE 14.3
14.8 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 14.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, &
43-13236.

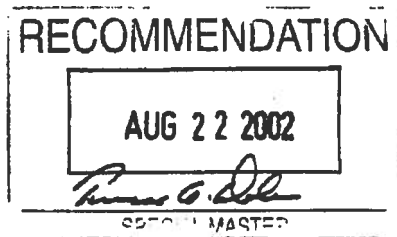
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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).

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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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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AUG 23 2002

Department of Water Resources

AUG 22 PM 3:28

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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): 43-07005

On August 22, 2002, 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 August 22, 2002.


LETTIE MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
08/22/02

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AUG 23 2002

Department of Water Resources

AUG 22 PM 3:28
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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): 43-07005

CERTIFICATE OF MAILING

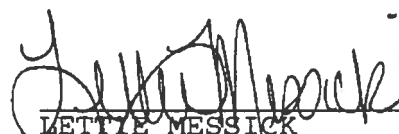
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 22, 2002, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

WEBB BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5545

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

PAGE 1
08/22/02

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AUG 23 2002

Department of Water Resources

AUG 22 PM 3:28

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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): 43-13233
43-13234

On August 22, 2002, 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 August 22, 2002.


LETTIE MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
08/22/02

RECEIVED

AUG 23 2002

Department of Water Resources

2002 AUG 22 PM 3:28

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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): 43-13233
43-13234

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 August 22, 2002, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

WEBB BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS, ID 83211


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/22/02

07/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-13234

NAME AND ADDRESS: AMERICA ACTING THROUGH UNITED STATES
PO BOX 33C
BOISE ID 83724

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.09 CFS
18.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.21 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 59.2 AF. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, & 43-13236.

PRIORITY DATE: 07/02/1968

POINT OF DIVERSION:

T09S R27E S35 SESWSW Within CASSIA County
T10S R27E S2 NWNWE Lot 2 Within CASSIA County
T10S R27E S2 NWNWSW Within CASSIA County
T10S R27E S11 NWNENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/15	0.090 CFS 18.00 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 MAY 1 AND AFTER OCTOBER 15 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

T09S R27E S35	NESW	0.5	T10S R27E S11	SENE	14.3
---------------	------	-----	---------------	------	------

14.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, & 43-13236.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

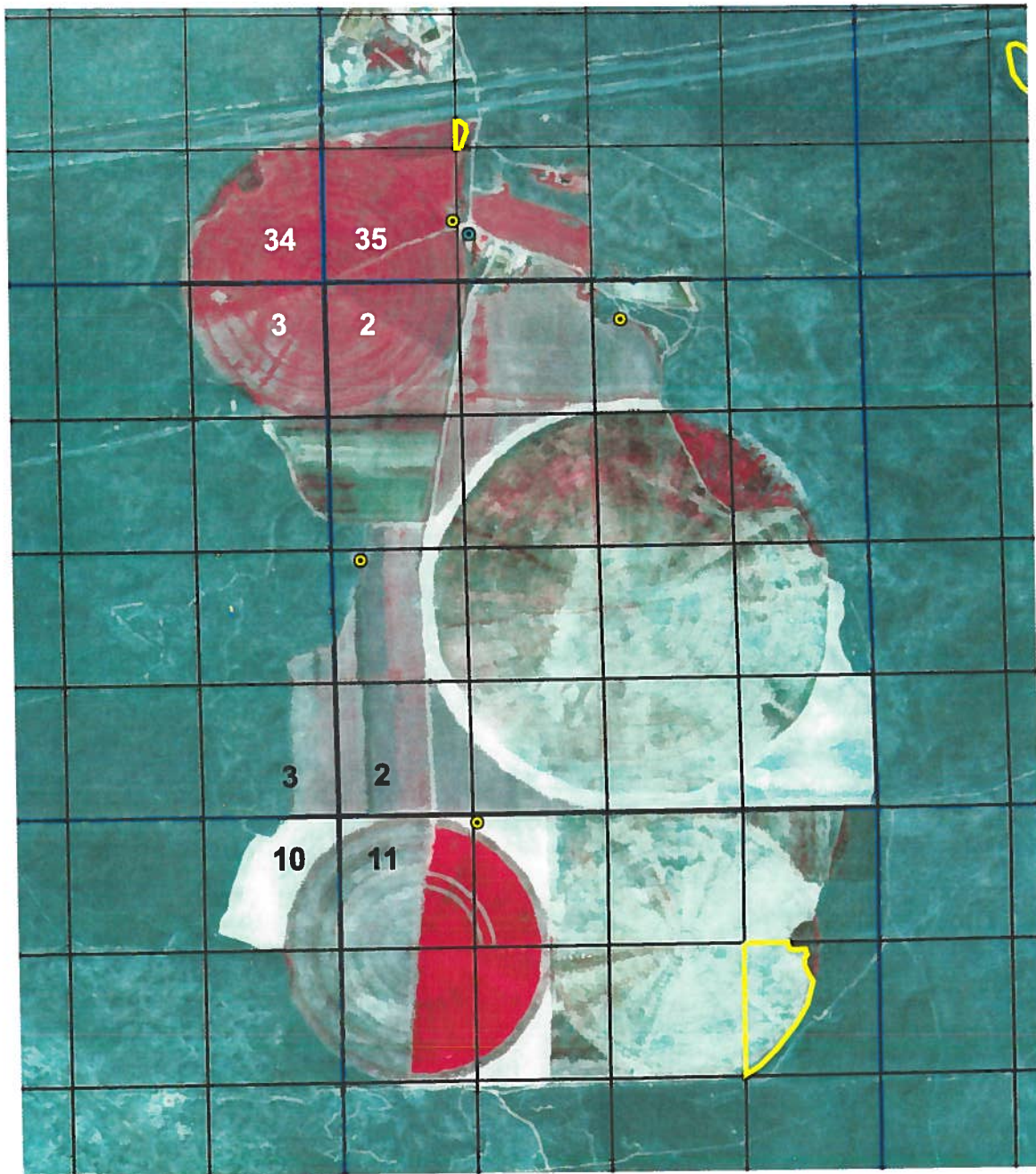
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-7005.

Idaho Department of Water Resources

43-13230, 43-13232, 43-13234, & 43-13236



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 15, 2002
TWP 09S, RNG 27E, SEC. 34 & 35
TWP 10S, RNG 27E, SEC. 2, 3, 10 & 11



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

VERIFIED BY

11/01/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-7005

NAME AND ADDRESS: WEBB BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 1262 18 6.4 CFS
1280 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 15.23 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4204.8 AF. COMBINED RIGHT NOS.: 43-02336, 43-02352, 43-07005, & 43-07016.

PRIORITY DATE: 07/02/1968

POINT OF DIVERSION: T09S R27E S35 SESWS Within CASSIA County
T10S R27E S2 NWNWNE Within CASSIA County
T10S R27E S2 NWNWSW Within CASSIA County
T10S R27E S11 NWNENW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05-01 10-15	6.40 CFS 1,280.0 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 MAY 1 AND AFTER OCTOBER 15 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			
T09S R27E S34	NESE	0.5	T09S R27E S34 SESE 34.8
T09S R27E S35	NESW	0.5	T09S R27E S35 NWSW 5.1
T09S R27E S35	SWSW	40.1	T09S R27E S35 SESW 18.2
T10S R27E S10	NENE	29.7	T10S R27E S10 SENE 9.6
T10S R27E S11	NENE	26.6	T10S R27E S11 NWNW 40.3
T10S R27E S11	SWNE	40.3	T10S R27E S11 SENE 14.3
T10S R27E S11	NENW	38.8	T10S R27E S11 NWNW 40.3
T10S R27E S11	SWNW	39	T10S R27E S11 SENW 40.3
T10S R27E S2 LOT 1	NENE	30.4	T10S R27E S2 LOT 2 NWNW 28.3
T10S R27E S2	SWNE	30.3	T10S R27E S2 LOT 2 SENE 25.3
T10S R27E S2 LOT 3	NENW	37.9	T10S R27E S2 LOT 4 NWNW 40.3
T10S R27E S2	SWNW	33.2	T10S R27E S2 LOT 4 SENW 39.3
T10S R27E S2	NESW	32.9	T10S R27E S2 NWSW 39
T10S R27E S2	SWSW	40.3	T10S R27E S2 SESW 37.3
T10S R27E S2	NESE	36.8	T10S R27E S2 NWSE 40.1
T10S R27E S2	SWSE	37.9	T10S R27E S2 SESE 40.4
T10S R27E S3 LOT 1	NENE	33.9	T10S R27E S3 SENE 8.6
T10S R27E S3	NESE	7.2	T10S R27E S3 SESE 13.4

1051.2 ACRES TOTAL

Water Right 43-7005

1050.7

1035.9 Webb

14.8 BLM

1035.9
14.8

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1051.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02336, 43-02352, 43-07005, & 43-07016.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

315.5 / 4.5

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

part of 7005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13234 V2

WATER RIGHT NUMBER: 43-13234 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMERICA ACTING THROUGH UNITED STATES PO BOX 33C BOISE, ID 83724

Priority Date: 07/02/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	0.090 CFS	18.00 AF
	<u>Total Diversion:</u>	0.090 CFS	18.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 35, Twp 09S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	L2 NW1/4NW1/4NE1/4	Sec. 2, Twp 10S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NW1/4NW1/4SW1/4	Sec. 2, Twp 10S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NW1/4NE1/4NW1/4	Sec. 11, Twp 10S, Rge 27E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
09S	27E	35					.5
10S	27E	11					14.3

Total Acres: 14.8

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-13234 V2

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, & 43-13236.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.21 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 59.2 AF. COMBINED RIGHT NOS.: 43-13230, 43-13232, 43-13234, & 43-13236.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-7005.
5. Purpose of Use 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 MAY 1 AND AFTER OCTOBER 15 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.

Comments:

1. jroberts 7/15/2002 Basis of Recommendation
Comment: 43-7005 was split into 43-13233 (Webb Basin) and 43-13234 (BLM) for SF5.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Robertson, Jean

From: Robertson, Jean
Sent: Monday, July 15, 2002 4:49 PM
To: Kelly, Vicki
Cc: McHugh, Candice
Subject: New Recommendations for Webb Basin and BLM splits of 43-2336, -2352, -7005, & -7016

Webb = 43-13229, -13231, -13233, & -13235

BLM = 43-13230, -13232, -13234, & -13236

I have also included new layouts for each. Let me know if there are any problems...



43-13229 Webb 43-13229, 31, 33, 43-13230 BLM New 43-13230, 32, 34, 43-13231 Webb 43-13232 BLM New 43-13233 Webb
Basin New Recomm.. & 35 Webb Ba... Recommendation... & 36 BLM Lay... Basin New Recomm.. Recommendation... Basin New Recomm..



43-13234 BLM New 43-13235 Webb 43-13236 BLM New
Recommendatio... Basin New Recomm.. Recommendation...

Robertson, Jean

From: McHugh, Candice
Sent: Wednesday, July 10, 2002 3:06 PM
To: Robertson, Jean
Subject: FW: 43-02352, 43-02336, 43-07005, and 43-07016

Does Larry's email make sense to you? Is this something we can do absent a transfer right now?

-----Original Message-----

From: Brown, Larry [mailto:Larry.Brown@usdoj.gov]
Sent: Tuesday, July 09, 2002 12:43 PM
To: 'cmchugh@idwr.state.id.us'; 'Fred_Price@blm.gov'
Cc: 'Gary_Madenford@blm.gov'; 'Steve_Davis@blm.gov'
Subject: 43-02352, 43-02336, 43-07005, and 43-07016

Called this afternoon and spoke with Gordon Webb, one of the partners in Webb Basin Dairy. Told him that three POU's on the four water described public land. Two authorized, one not authorized. Said BLM and Webb Basin Dairy had a contract requiring POU's on BLM to be in BLM name. We discussed the unauthorized POU. Looks like overspray from pivot on BLM land just south of I-80. Said he could delete from his water right or see if IDWR would agree to put the .5 acres somewhere else on his own private land. He wanted to visit with BLM to see the shape file and maps, but agreed that we should put BLM POU's in BLM name for authorized POU's. Said he was going to see Steve Davis in Burley to go over the objection files. I said I would be available by telephone for consultation.

Candice: Please do SF-fs splitting the water rights so that the following POU's are on water rights where the BLM is the owner:

T09S, R27E, S35, NESW - 0.5 acres
T10S, R27E, S11, SENE - 14.3 acres

Either delete T09S, R27E, S34, NESE - 0.5 acres, or see if it can be moved to other acres already described on the water rights. I am pretty sure this 0.5 acres is overspray from a pivot irrigation system.

Fred: Need you to assign someone to do a stipulation wherein BLM agrees to cooperate in transfer to private land, etc, should land use permit expire, be terminated, and not renewed. E-mail the stipulation to me for my review before mailing to claimant with the SF-5s