

RECEIVED
AUG 01 1996
Department of Water Resources
Adjudication Bureau

1996 JUL 31 AM 10:58
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	)	PRELIMINARY SPECIAL MASTER'S
	)	REPORT
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
	)	WATER RIGHT 34-00582

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 and investigated the notices of claim for Reporting Area 1 (Basin 34), which includes portions of Custer, Butte, Bonneville and Jefferson Counties, State of Idaho. The *Director's Report for Reporting Area 34 (Director's Report)* contained recommendations or abstracts for the elements of this water right.

An objection to the *Director's Report* for this water right 34-00582 was filed on February 26, 1993, by the United States Bureau of Land Management. On May 26, 1993 a response was filed by David and Linda Horre. A response was filed on May 28, 1993, by the Idaho Department of Water Resources. A *Standard Form for Notice of Change in Address or Motion for Substitution of Party* was filed June 1, 1993 by David and Linda Horre. There was no opposition to the *Motion for Substitution of Party* and an *Order Granting Motions for Substitution of Party* was issued on August 24, 1993, substituting David and Linda Horre for the original claimants. Subsequently, a settlement was reached as to how the elements of this water right could be decreed, and a *Standard Form 5 - Proposed Elements of a Water Right* was filed reflecting the agreement that the water right is correctly described in the *Director's Report*. The

signatories to the *Standard Form 5* are the claimants/respondents, David and Linda Horre; the objector, the United States Bureau of Land Management; and IDWR. Thus it appears that all parties to this subcase, and IDWR, are signatories to the *Standard Form 5*.

All elements of the water right as stipulated to in the *Standard Form 5* remain **unchanged** from the original *Director's Report* **except** that the name element has changed pursuant to the *Order Granting Motions for Substitution of Parties* and shall reflect the claimant names of David and Linda Horre. The court gives *prima facie* weight to the *Standard Form 5* to which IDWR is signatory.

CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be recommended for each subcase.

The record on file for this subcase, including the *Standard Form 5*, clearly establishes the intent of the parties that this water right be decreed with the elements as set forth in the *Director's Report for Reporting Area 1 (Basin 34)* based on the Findings of Fact listed above.

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 34-00582 be decreed with the elements as set forth in the attached *Preliminary Special Master's Recommendation for Partial Decree*.

DATED July 31, 1996.


BRIGETTE BILYEU
Special Master, Reporting Area 1
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)
_____)

PRELIMINARY 1996 JUL 31 AM 10:59
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
Water Right 34-00582

NAME & ADDRESS: DAVID A HORRE
LINDA HORRE
GENERAL DELIVERY
MACKAY ID 83251

SOURCE: LOWER CEDAR CREEK TRIBUTARY: SINKS

QUANTITY: 6.4 CFS

PRIORITY DATE: 08/27/1919

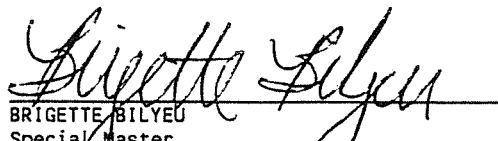
POINT OF DIVERSION: T07N R24E S02 SWNWSW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	6.4 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T07N R24E S14	NWSW 40.0 Lot 4 (SWSW) 40.0
	S15 Lot 1	(SESE) 40.0
	S22	NENE 40.0
	S23	NWNW 40.0
	200.0 ACRES TOTAL	

CONSUMPTIVE USE: 500.0 AFY

DATED July 31, 1996.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

RECEIVED
AUG 01 1996
Department of Water Resources
Adjudication Bureau

1996 JUL 31 AM 10: 59
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	)	Subcase: 34-00582
	)	
Case No. 39576	)	CERTIFICATE OF MAILING
	)	

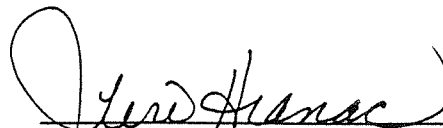
I certify that a true and correct copy of the *Preliminary Special Master's Report and Recommendation for Water Right 34-00582* and *Notice of Issuance of Preliminary Special Master's Report and Recommendation* were mailed on July 31, 1996 with sufficient first-class postage prepaid to the following:

Chief, Natural Resources Division
Office Of The Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Craig Hobdey
125 Fifth Avenue West
Gooding, Idaho 83330

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724-0663

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098



Deputy Clerk