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AUG 01 1996  
Department of Water Resources

1996 JUL 31 PM 12:02  
DISTRICT COURT - SRBA  
TWIN FALLS CO., 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     | ) | PRELIMINARY SPECIAL MASTER'S  |
|                | ) | REPORT                        |
| Case No. 39576 | ) | FINDINGS OF FACT; CONCLUSIONS |
|                | ) | OF LAW FOR                    |
|                | ) |                               |
|                | ) | WATER RIGHT 34-02439          |

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 and abstracted 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 a recommendation or abstract for the elements of this water right.

No objection was filed for water right 34-02439, however, water right 34-02439 is used in combination with water right 34-00523B which was the subject of an objection. This water right was referred to the Special Master on the basis that judicial economy would best be served by allowing 34-02439 to proceed with 34-00523B. *Amended Order of Reference Appointing Brigitte Bilyeu Special Master* (July 11, 1996).

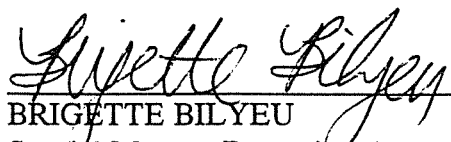
CONCLUSIONS OF LAW

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 decreed.

The record on file for this water right consists of the *Director's Report* to which there was no objection. Pursuant to I.C. § 42-1411(4), the director's report shall constitute *prima facie*

evidence of the nature and extent of the water right. Since no objections have been filed for this water right, IT IS RECOMMENDED that water right 34-02439 be decreed with the elements as set forth in the attached *Preliminary Special Master's Recommendation*.

DATED July 31, 1996.

A handwritten signature in cursive script, reading "Brigitte Bilyeu", is written over a horizontal line.

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 JUL 31 PM 12:02  
SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
Water Right 34-02439

NAME & ADDRESS: NORA M TECHICK  
RT 1 BOX 30  
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 0.8 CFS  
136.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-00523B IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.02 CFS.

PRIORITY DATE: 10/06/1961

POINT OF DIVERSION: T04N R26E S04 NWSNW Within BUTTE County

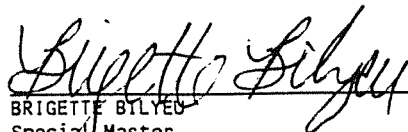
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY             |
|-------------------------------|----------------|-------------------|----------------------|
| IRRIGATION                    |                | Irrigation Season | 0.8 CFS<br>136.5 AFY |

PLACE OF USE: IRRIGATION Within BUTTE County  
T04N R26E S04 SENW 39.0  
39.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00523B IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 39 ACRES IN A SINGLE IRRIGATION  
SEASON.

CONSUMPTIVE USE: USE OF THIS RIGHT WITH RIGHT NO. 34-00523B IS LIMITED TO A  
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 97.5 ACRE FEET.

DATED July 31, 1996.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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TWIN FALLS CO., IDAHO

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

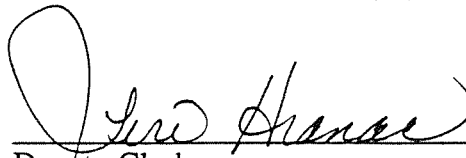
|                |   |                        |
|----------------|---|------------------------|
| In Re SRBA     | ) | Subcases: 34-02439     |
|                | ) |                        |
| Case No. 39576 | ) | CERTIFICATE OF MAILING |
| _____          | ) |                        |

I certify that a true and correct copy of the *Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law for Water Right 34-02439* 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:

Director of IDWR  
P.O. Box 83720  
Boise, ID 83720-0098

Nora Techick  
Route 1, Box 30  
Moore, ID 83255

DATED: July 31, 1996.

  
\_\_\_\_\_  
Deputy Clerk