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Department of Water Resources

1996 AUG -2 PM 3: 27

DISTRICT COURT-CRBA
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
	)	WATER RIGHT 34-02379A
	)	

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 objections were filed to the *Director's Report* for water right 34-02379A. However, on February 9, 1994 the Idaho Department of Water Resources filed a *Motion to Correct Errors in Water Right 34-02379A (Motion)*. On January 17, 1995 a hearing was held on the *Motion* and subsequently on January 31, 1995 an *Order Granting Motion to File Late Objection or, In the Alternative, Granting Motion to Amend Director's Report* was filed. On June 27, 1996 a *Supplemental Director's Report* was filed solely to set forth a change in the basis of this water right.

All elements of the water right in the *Supplemental Director's Report* remain **unchanged** from the original *Director's Report*. The only change in the *Supplemental Director's Report* is that the basis of the claim was changed from "Decreed" to "License". The *Supplemental Director's Report* establishes *prima facie* evidence of this water right.

CONCLUSIONS OF LAW

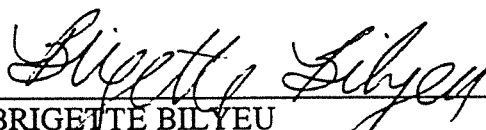
Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

A *Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law*, was issued for subcase 34-02379A on July 18, 1996. No Motions to Reconsider or Motions to Correct Clerical Errors were filed, and the time for such motions has now expired.

A *Supplemental Director's Report* is *prima facie* evidence of this water right. The record for this subcase including the unrebutted and unobjected to *Supplemental Director's Report* establishes the elements of this right.

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 34-02379A be decreed with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED August 2, 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

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In Re SRBA
Case No. 39576

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SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 34-02379A

DISTRICT COURT-SRB
TWIN FALLS CO. IDAHO
FILED *RL*

Department of Water Resources

NAME & ADDRESS: JEAN H MC AFFEE
JACK L MC AFFEE
PO BOX 618
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 1.625 CFS
301.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 34-10219 AND 34-00163, IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.90 CFS.

PRIORITY DATE: 08/08/1960

POINT OF DIVERSION: T06N R26E S31 SWNWSW Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.625 CFS
			301.0 AFY

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T06N R26E S31	NENW 39.0	NWNW 10.0	SENW 28.0	NESW 9.0
	86.0 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 34-10219 AND 34-00163, IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 89 ACRES IN A
SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE: 215.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 34-10219 AND 34-00163, IS
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
222.5 AF.

DATED August 2, 1996.

Brigette Bilyeu
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication