

1996 MAR 15 PM 7:48

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
	)	WATER RIGHT 34-00523B

FINDINGS OF FACT

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.

An objection to the *Director's Report* for this water right 34-00523B was filed on February 26, 1993, by the United States Bureau of Land Management. A response was filed on July 9, 1993 by the State of Idaho Department of Water Resources. On January 24, 1994, the United States filed its *United States' Motion to Withdraw or Dismiss Objection and to Vacate Settlement Conference* requesting that the objection filed by the United States be withdrawn or dismissed. On January 25, 1995, this court issued its *Order Dismissing United States' Objection and Dismissing United States as a Party to Subcase; Vacating Settlement Conference; and Requiring Submission of Standard Form 5*. Subsequently, a settlement was reached as to how the elements of this water right could be decreed. On April 7, 1995, a *Standard Form 5 - Stipulated Elements of a Water Right* was filed reflecting the settlement agreement of the parties that the water right is correctly described in the *Director's Report*. The signatories to the *Standard*

Form 5 are the claimants, Nora M. Techick; and the Idaho Department of Water Resources. 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*. The court gives *prima facie* weight to the *Director's Report* and the *Standard Form 5* to which IDWR is a 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 decreed for each subcase.

A *Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law*, was issued for subcase 34-00523B on July 31, 1996. No Motions to Reconsider or Motions to Correct Clerical Errors were filed, and the time for such motions has now expired.

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 34-00523B be decreed with the elements as set forth in the attached *Special Master's Recommendation*.

DATED: August 15, 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)
_____)

1996 AUG 15 AM 7:48
SPECIAL MASTER'S RECOMMENDATION FOR
DISTRICT COURT - SRBA
PARTIAL DECREE FOR
TWIN FALLS CO., IDAHO
Water Right 34-005238
FILED

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

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.8 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02439 IS LIMITED TO A
TOTAL DIVERSION RATE OF 1.02 CFS.

PRIORITY DATE: 03/02/1887

POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County

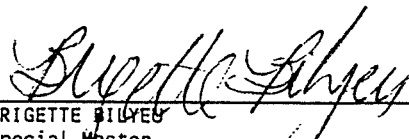
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.8 CFS

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

USE OF THIS RIGHT WITH RIGHT NO. 34-02439 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. 34-02439 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 97.5 AF.

DATED: AUG 15 1996


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

1996 AUG 15 PM 7:47

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right No. 34-00523B

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 PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 15, 1996, with sufficient first-class postage prepaid to the following:

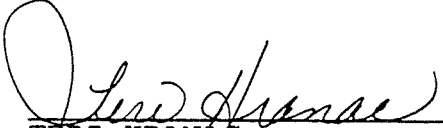
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

CHIEF, NTRL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449

NORA TECHICK
ROUTE 1, BOX 30
MOORE, ID 83255

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0663


TERI HRANAC
Deputy Clerk