

996 AUG 15 AM 7:44
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	)	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.

A *Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law*, was issued for subcase 34-02439 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 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 *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)
_____)

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SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR 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

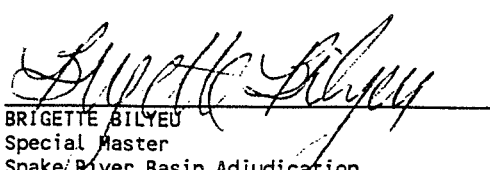
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.8 CFS 136.5 AFY

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:


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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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. 34-02439

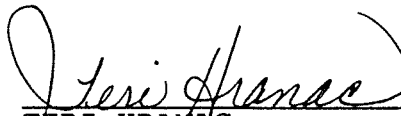
CERTIFICATE OF MAILING

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

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

NORA M TECHICK
RT. 1 BOX 30
MOORE, ID 83255



TERI HRANAC
Deputy Clerk