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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 06 2014	
By _____	Clerk
Deputy Clerk	

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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 31-12314
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report for Late Claims* contained a recommendation for the elements of this water right.

An *Objection* was filed by the claimant Paul Gunderson. A *Response* was filed by the Carl and Gladys Lundholm Estate. On June 9, 2014 a *Motion to File Amended Notice of Claim* was filed by Paul Gunderson. A hearing was held on June 11, 2014. The *Motion* was granted. The *Amended Claim* changed the basis of the claim from one based on beneficial use to one based on an enlargement under I.C. § 42-1426.

An *Amended Director's Report* was filed on June 19, 2014. The *Amended Director's Report* was placed on the Docket Sheet. A settlement conference was held on June 27, 2014. Both the claimant and respondent attended.

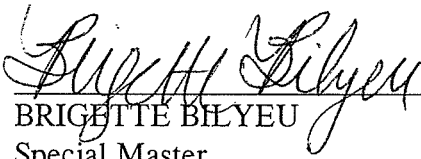
A Pretrial Conference was held on July 23, 2014. The parties and IDWR reported that the parties had reached a settlement. Also, at the hearing, Paul Gunderson made an oral *Motion to File a Late Objection*. There was no opposition to the *Motion*. The Court **granted** the *Motion*. ***Order Granting Motion to File Late Objection and Setting Deadlines and Amended Trial Schedule.*** (July 23, 2014)

The claimant and IDWR reported on the record that they had reached an agreement on 31-12314, but that an amendment to 31-11228 would be required. On August 5, 2014, a *Withdrawal of Objection* was filed in 31-12314 by Paul Gunderson. There was no opposition to the withdrawal of *Objection*. The Court **granted** the *Withdrawal of Objection*. There are no outstanding *Objections* remaining in this subcase. Water right 31-12314 will be recommended consistent with the *Amended Director's Report* filed on June 19, 2014.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 31-12314 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: August 6, 2014.


BRIGETTE BILYEU
Special Master
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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
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In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-12314

NAME AND ADDRESS: GUNDERSON, PAUL
1555 E 1500 N
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.41 CFS
87.50 AFY

Right Nos. 31-11604, 31-11688, 31-11689 and 31-12314 are limited
to a total combined diversion rate of 2.35 cfs.

PRIORITY DATE: 04/01/1977

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to
Section 42-1426, Idaho Code, the earlier priority right is the
superior right.

POINT OF DIVERSION: T07N R35E S26 NESE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.41 CFS 87.50 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R35E S25	NWSW 38.0
	S26	NESE 37.0 NWSE 25.0
		SWSE 39.0 SESE 38.0
	177.0 Acres Total	

Right Nos. 31-11604, 31-11688, 31-11689 and 31-12314 are limited
to the irrigation of a combined total of 144 acres in a single
irrigation season within the permissible place of use described
above.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right Nos. 31-11688
and 31-11689 pursuant to Section 42-1426, Idaho Code.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION
AUG 06 2014
<i>Angelle Sloan</i>
SPECIAL MASTER

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 31-12314

On August 06, 2014, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 06, 2014.


JANET CONNELL
Deputy Clerk

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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 31-12314

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 SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 06, 2014, with sufficient first-class postage prepaid to the following:

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

GUNDERSON, PAUL
PAUL GUNDERSON
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CARL & GLADYS LUNDHOLM ESTATE
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405-0130
Phone: 208-523-0620

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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8/06/14