

RECEIVED

MAY 19 2000

Department of Water Resources

RECEIVED

NOV 05 2001

Department of Water Resources
Southern Region

NOV 18 PM 2:14

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

Subcase 45-02737

SPECIAL MASTER REPORT

Findings of Fact

On July 24, 1998, the Presiding Judge entered a *Partial Decree* to H. Lee and Marijane Jolley, Box 23, Albion, Idaho 83311, for .04 cfs of groundwater for year 'round domestic and stockwater uses with a priority date of September 19, 1966, based on a license. However, following the recommendation of the Special Master, the Presiding Judge set aside the *Partial Decree* on December 6, 1999.

On January 6, 2000, the claimants and IDWR filed an *Amended Claim Standard Form 5* changing the place of use for stockwater use.

Conclusions of Law

H. Lee and Marijane Jolley are entitled to an amended partial decree adjudicating a water right under claim 45-02737 as described in the *Amended Claim Standard Form 5* and the *Special Master Recommendation for Amended Partial Decree for Water Right 45-02737*.

Dated May 18, 2000.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVED

MAY 19 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

In Re SRBA

Case No. 39576

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 45-02737

MAY 18 PM 2:14

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: H LEE JOLLEY
MARIJANE JOLLEY
PO BOX 23
ALBION, ID 83311

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
29.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/19/1966

POINT OF DIVERSION: T11S R25E S32 SWSWSE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS 29.00 AFY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T11S R25E S32	SWSE	
	Domestic		Within Cassia County
	T11S R25E S32	SWSE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

MAY 18 2000

Barry Wood
SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 45-02737

PAGE 1
May-08-2000

RECEIVED

MAY 19 2000

Department of Water Resources

MAY 18 PM 2:15
DISTRICT COURT-SRBA
TWIN FALLS, 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

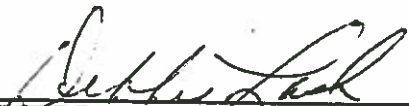
Water Right(s): 45-02737

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 May 18, 2000, with sufficient first-class postage prepaid to the following:

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

H LEE JOLLEY
MARIJANE JOLLEY
PO BOX 23
ALBION, ID 83311
Phone: 208-673-6673



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/18/00

MAY 19 2000

207 MAY 13 PM 2:15

DISTRICT COURT-SENA
SAN FRANCISCO, CALIF.

In Re SRBA
Case No. 39576

Water Right(s): 45-02737

PAGE 1
05/18/00

Water Right Number - R45-02737

Prefix Translation: RESEARCH

Old (D) Number - 33229

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

JOLLEY

H LEE

1 - PO BOX 23

2 -

3 -

City- ALBION

State- ID Zip- 83311

Phone - 208-673-6673

JOLLEY

MARIJANE

1 - PO BOX 23

2 -

3 -

City- ALBION

State- ID Zip- 83311

Phone - 208-673-6673

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/19/1966 ✓ 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER ✓

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
11S 25E 32 SW SW SE ✓ (31) CASSIA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.040 29.00
43 - DOMESTIC 01/01 12/31 0.040
(Licensed for stock only) -OK

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.040 ✓ 29.00 ✓ 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
11S 25E 32 NW SE ✓ 04 STOCKWATER (31) CASSIA
11S 25E 32 SW SE ✓ 04 STOCKWATER (31) CASSIA
11S 25E 32 SW SE 43 DOMESTIC (31) CASSIA

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME; (STOCKWATER, 22 SHEEP, 8 HORSES) EXP

+ - - Other Rights for Same Use - A45-04044

+ - - - - Remarks - - - - - +

EXP
GEN PARCEL NO. 11S25E128550

4/3/98

N11
N13

2.1.98

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 45-02737

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

12/23/99 1:10 PM

NAME:

RE:

H. LEE JOLLEY & MARIJANE JOLLEY

APPT.

SF5 SIGNED

They wanted to drop a NWSE tract from the POU description of the claim 45-02737. It was originally claimed that way but he says he does not own it and the tract should not be listed. I agreed to drop the tract. We signed a D&S SF5 form and attached corrected copies of the recommendation and I am forwarding this to Nick S. in Boise for final approval. If all goes well the right will be re-issued as a partial decree before the next hearing on the right on 1/25/00.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-02735
Date Received: 5/22/1989
Receipt No: S007253
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY O. LEACH 208-673-6254
Address: STAR RT BOX 24
ALBION, ID 83311

AND/OR

Name: LINDA M LEACH 208-673-6254
Address: STAR RT BOX 24
ALBION, ID 83311

2. Date of Priority: NOV 25, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	7	SE	SW			CASSIA

5. Description of diverting works:
WELL & PUMP, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 8.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE & YARD

A45-02735

Page 1

Date: 05/22/89

MICROFILMED

MAR 08 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	7	SE	SW		DOMEST	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A45-07383

14. Remarks:
WAS PREVIOUSLY LICENSED FOR 2 ACRES IRRIGATION, NOW USED
STRICTLY FOR DOMESTIC PURPOSES.

15. Basis of Claim: LICENSE
Water Right Number: 33341

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ray O. Leach Date: 5/22/89
Date:

State of Idaho)
County of TF) ss.

Subscribed and sworn (or affirmed) before me this 22nd day
of May 19 89 Lois White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

MICROFILMED
MAR 08 1993

WATER RIGHT NUMBER - A45-02735

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
016 - SEE REMARKS FOR ADDITIONAL CONDITIONS OF APPROVAL.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 05/22/89 WHITE

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
                                     - - -COMMENTS- - - - -
                                     NO COMMENTS FOUND

```

```
+ - - - - - + - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +
```

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 05/22/1989
PROOF DUE DATE - 00/00/0000
LICENSED DATE - 00/00/0000
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

```

FIELD INSPECTION MADE      - 00/00/0000
FIELD INSPECTION FLAG      -
VERIFIED DATE              - 05/20/1985
LAST AMENDED DATE         - 00/00/0000
PROOF MADE DATE           - 00/00/0000
RECEIPT NUMBER            - S007253
POU OWNERSHIP FLAG        - Y
NAME CONNECTOR            - AND/OR

```

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	
NOTICE OF ERROR FLAG	-	

12525E077050

DATA ENTRY

ENTERED

CHECKED

"Verified By"
 Topo Map/Ortho-PQ
 ASCS Map
 Watermaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

VERIFIED

OCT 15 1991

CERTIFIED

OCT 14 1991

WATER EXAMINER