

RECEIVED

MAR 31 2000

Department of Water Resources

20 MAR 30 PM 12:15

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

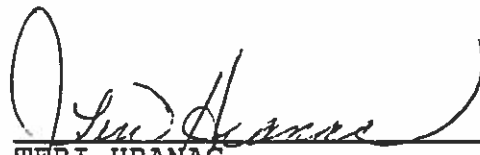
Water Right(s): 37-10021

On March 30, 2000, 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 March 30, 2000.


TERI HRANAC
Deputy Clerk

2ND MAR 30 PM 12:15

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 37-10021
	)	

I. FINDINGS OF FACT

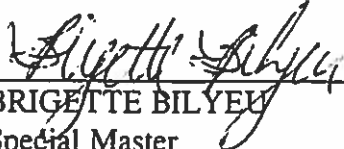
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

A *Motion to Amend Claim* was filed for this subcase and was noticed on the Docket Sheet as such. Subsequently, an *Amended Director's Report* was filed. No objections were filed to the *Amended Director's Report* and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 37-10021*.

DATED: March 30, 2000.



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

In Re SRBA
Case No. 39576

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

Water Right 37-10021

200 MAR 30 PM 12:15

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: NEDRA J HUBERT
ROY E HUBERT
768 E 330 S
DIETRICH, ID 83324

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

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

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T06S R19E S19 LOT 09 (NWSW) Within Lincoln County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.03 CFS
	Domestic	01-01 TO 12-31	0.05 CFS

PLACE OF USE:	Stockwater	Within Lincoln County
	T06S R19E S19 LOT 09 (NWSW)	
	Domestic	Within Lincoln County
	T06S R19E S19 LOT 09 (NWSW)	

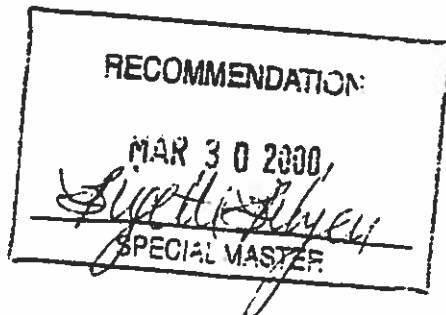
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

200 MAR 30 PM 12:15

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)

CERTIFICATE OF MAILING

Case No. 39576)

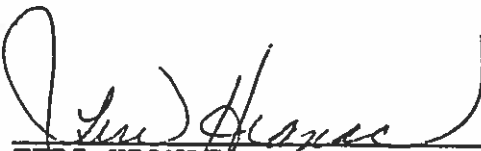
Water Right(s): 37-10021

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 March 30, 2000, with sufficient first-class postage prepaid to the following:

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

NEDRA J HUBERT
ROY E HUBERT
768 E 330 S
DIETRICH, ID 83324
Phone: 208-544-2418


TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/30/00

Christensen, Kelly

Subject: 37-10021 director's rpt problem
Entry Type: Meeting
Contact: Roy Hubert

Start: Tue 3/9/99 11:55 AM
End: Tue 3/9/99 11:55 AM
Duration: 0 hours

He stated that there was a new home built at the location served by this right. He also stated that there was historically a home at that site but that it had burnt down some time ago. He did not say how long ago that occurred. He wanted to have the domestic use as a portion of that right. I gave him an objection form and indicated that he should submit that form to the court. Just after he left I realized that I should have set up an amendment rather than an objection. I called his home and explained the circumstances to his wife and then I called the court and asked that they notify him of the problem if he shows up today.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-24-1997

PAGE: A-6

RIGHT NUMBER: 37-10021

NAME & ADDRESS: ROY E HUBERT
NEDRA J HUBERT
768 E 330 S
DIETRICH ID 83324

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

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

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T06S R19E S19 LOT 9 (NWSW) Within LINCOLN County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T06S R19E S19 Lot 9 (NWSW)

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 06S19E19S400
STOCKWATER, 100 HEAD DRY STOCK

D
7-29-98
Claim proofread by: Uto
Date: 1030

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: A37-10021
Date Received: 4/14/1988
Receipt No: 5000080

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROY E. HUBERT 208-544-2418
Address: 768 E. 330 S.
DIETRICH, ID 83324

AND/OR

Name: NEDRA J. HUBERT
Address: DIETRICH, ID 83324

2. Date of Priority: APR 01, 1908

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	19E	19	NW	SW		9	LINCOLN

5. Description of diverting works:
WELL APPROX. 220 FT. AND SUBMERSIBLE PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK 100 HD MIXED DRY STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	19E	19	NW SW	9	STOCK	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks: Lot 9 is west of the NW SW

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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 E. Hunt Date: 4-14-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of April 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, ID
My Commission Expires 10/16/1992

A37-10021

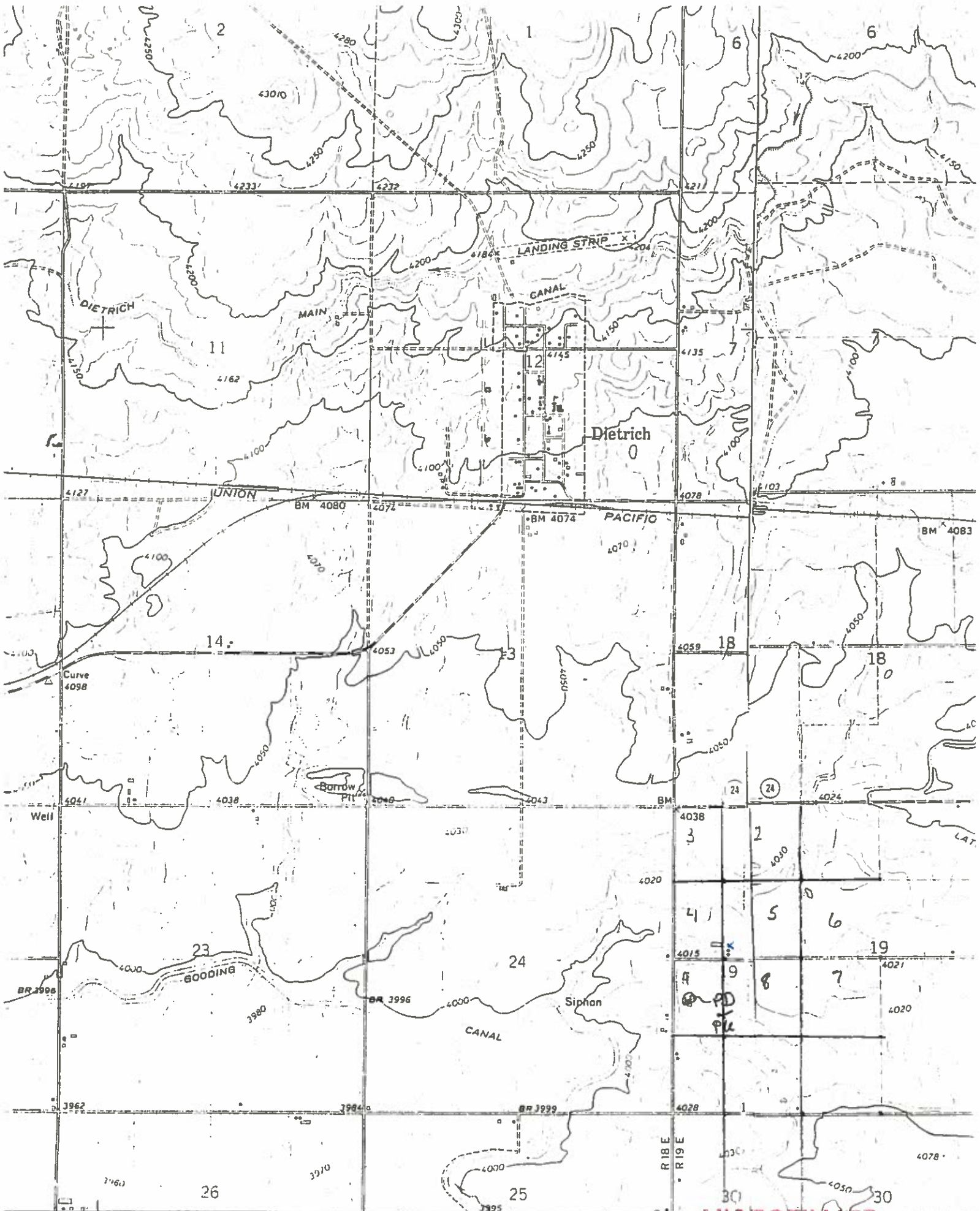
Page

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Date: 04/14/88

MICROFILMED

FEB 24 1993



721 17'30" 722 723

Attachment to A 37-10021

INTERIOR- GEOLOGICAL SURVEY, WASHINGTON, D. C. - 1974
724000m E

ROAD CLASSIFICATION

Primary highway

Light duty road, hard or

MICROFILMED

FEB 24 1993

Map produced, and published
Control by USGS and USC&GS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

CERTIFIED
MAR 22 1992
WATER EXAMINER