

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP - 4 2009	
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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT 63-20990

I. FINDINGS OF FACT

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

On June 15, 2007, the Nampa & Meridian Irrigation District, through its attorney S. Bryce Farris, filed an objection to the *Director's Report*, asserting that the source of the water right is wastewater. On August 21, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-20990 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept 4, 2009


 Theodore R. Booth
 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
SEP - 4 2009
By _____
Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)

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

Water Right 63-20990

NAME AND ADDRESS: VAUGHN THURGOOD
17274 CAN-ADA RD
Nampa, ID 83687

SOURCE: TENMILE CREEK TRIBUTARY: FIFTEENMILE CREEK

The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.06 CFS

PRIORITY DATE: 03/15/1941

POINT OF DIVERSION: T03N R01W S06 NWSW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	Irrigation	03-01 TO 11-15	0.06 CFS

PLACE OF USE: Irrigation T03N R01W S06 NWSW 3.0 Within Canyon County
3.0 Acres Total

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

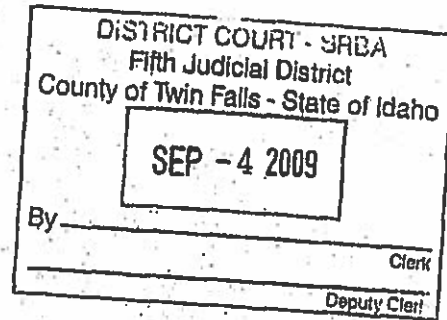
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
SEP - 4 2009
JWB
SPECIAL MASTER



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

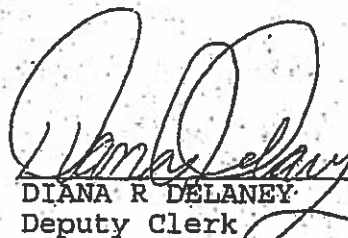
Water Right(s) : 63-20990

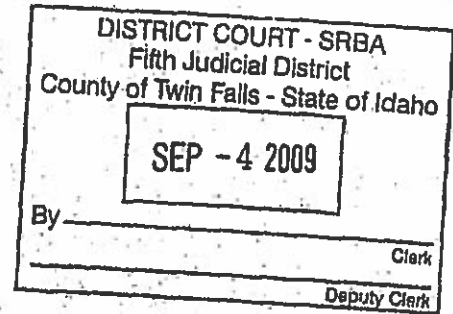
On September 04, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 September 04, 2009.


DIANA R DELANEY
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-20990

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 September 04, 2009, with sufficient first-class postage prepaid to the following:

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

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

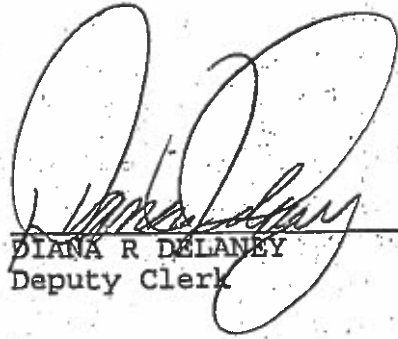
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
09/04/09

VAUGHN THURGOOD
17274 CAN-ADA RD
NAMPA, ID 83687



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
09/04/09

Sent to D.O. on
7/28/09

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 No. 63-20990
)
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

Vaughn Thurgood

Vaughn Thurgood 7/6/09
Vaughn Thurgood Date

OBJECTOR

Nampa & Meridian Irrigation District

Daniel V. Steenson 7/21/09
Daniel V. Steenson, Attorney Date
S. Bryce Farris

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Jan Thune 7-28-09
 IDWR Agent Date Nicholas Spencer
 Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

NAMPA & MERIDIAN IRR DIST

Represented by:

~~DANIEL V. STEENSON~~ *S. Bryce Farris*
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Vaughn Thurgood
17274 Can-Ada Rd
Nampa, Idaho 83687

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-20990

NAME AND ADDRESS: VAUGHN THURGOOD
17274 CAN-ADA RD
NAMPA ID 83687

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

SBF
Jr

QUANTITY: 0.060 CFS

PRIORITY DATE: 03/15/1941

POINT OF DIVERSION:

T03N R01W S6 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.060 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R01W S06 NWSW 3.00

3 ACRES TOTAL

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

PARCEL NO. R3039101000.

VT

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, July 28, 2009 1:34 PM
To: Shurte, Jan
Subject: RE: 63-4594 - Tidwell

Thank you Jan.

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Shurte, Jan
Sent: Tuesday, July 28, 2009 10:51 AM
To: Ridgeway, Renea
Subject: RE: 63-4594 - Tidwell

Hi Renea,

Yes I did – actually this morning – I was out yesterday. He is going to sign the SF5 and initial the report, then send it to my attention here. I thought then I could sign it and send to Nick and then to the attorney – I thought it was Paul Arrington, however, Mr. Tidwell thought it was Al Barker. Mr. Tidwell thought he had to make the copies and mail them, plus he was fearful, but I explained it and thought it would be easier just to get it back here so we could send it off and make the copies etc. All ok with Mr. Tidwell, he's signing and initialing and sending it off to me today and I'll route it to you when I sign off.

Thanks,
Jan

From: Ridgeway, Renea
Sent: Monday, July 27, 2009 3:01 PM
To: Shurte, Jan
Subject: RE: 63-4594 - Tidwell

Hi Jan,

Did you have a chance to speak with Mr. Tidwell and relieve his fears when he was at your office this morning? I am just wondering so I can make the appropriate notes on the tracking sheet. Thanks!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Courtney, Andrea
Sent: Wednesday, July 15, 2009 11:00 AM

7/28/2009

To: Shurte, Jan
Cc: Harris, Lori; Ridgeway, Renea
Subject: RE: 63-4594 - Tidwell

Jan~

You can proceed with the SF5--send it to us. Special Master Booth granted Dana's motion to withdraw on 7/2/09.
Andrea

From: Shurte, Jan
Sent: Wednesday, July 15, 2009 10:32 AM
To: Courtney, Andrea; Ridgeway, Renea
Cc: Harris, Lori
Subject: 63-4594 - Tidwell

Hi there,

This is the one where Dana withdrew as there attorney and Mr. Tidwell has informed me that he will settle on the Janicek language with Riverside ID. Can I send you the SF5 on this one or do we have to wait until the Court issues an ok on her withdrawal?

Jan

7/28/2009

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

RIGHT NUMBER: 63-20990

NAME AND ADDRESS: VAUGHN THURGOOD
17274 CAN-ADA RD
NAMPA ID 83687

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.060 CFS

PRIORITY DATE: 03/15/1941

POINT OF DIVERSION:

T03N R01W S6 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.060 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R01W S06 NWSW 3.00

3 ACRES TOTAL

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

PARCEL NO. R3039101000.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-20990

DATE: 6/29/09

Initial Hearing 208-342-4591 BRYCE
Ten Mile Ck. 208-466-6294 THURGOOD

Do an SF5 with the Jamaal
remark.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-20990

DATE: 4-3-09

Initial Hrg 6-2008 - filed change of ownership on 3-16-2009 (NCAP) & the Court set for another Initial Hrg on 6-20-09. Objection by NMID. Set for Initial Hrg because it was our error - claim changed & not recommendation, so Initial Hrg. stuff sent to old owners.

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

RIGHT NUMBER: 63-20990

NAME AND ADDRESS: VAUGHN THURGOOD
17274 CAN-ADA RD
NAMPA ID 83687

~~J-A-BOB-WILLIAMS~~
~~44-ROSE-CIR~~
~~MERIDIAN ID-83642~~

SOURCE: TENMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 0.060 CFS

PRIORITY DATE: 03/15/1941

POINT OF DIVERSION:

T03N R01W S6 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.060 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R01W S06 NWSW 3.00

3 ACRES TOTAL

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

PARCEL NO. R3039101000.

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

Water Rights: 63-20990

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 13, 2009


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 13, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Vaughn Thurgood
17274 Can Ada Rd
Nampa ID 83687

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

RECEIVED

MAY 06 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:34
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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-20990

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 06, 2008 at 01:30 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/04/08

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

NAMPA & MERIDIAN IRR DIST

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

J A BOB WILLIAMS

44 ROSE CIR
MERIDIAN, ID 83642
Phone: 208-888-5410