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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO. ID
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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	)	AMENDED PRELIMINARY
	)	SPECIAL MASTER'S REPORT
Case No. 39576	)	AND RECOMMENDATION
	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
_____	)	WATER RIGHT NO: 57-10913

FINDINGS OF FACT

A notice of claim was filed for this water right to 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 2 (Basin 57), which includes portions of Owyhee County. The Director of the Idaho Department of Water Resources then filed a *Director's Report for Reporting Area 57 (Director's Report)* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-10913 was filed on February 26, 1993, by the United States Bureau of Reclamation. A response to the objection was filed on July 1, 1993 by the State of Idaho Department of Water Resources.

On February 16, 1996, the United States and GEM Irrigation District filed *Parties' Stipulation to Consolidate Subcases*. An *Order Consolidating Subcases (Order)* was issued February 21, 1996, the *Order* consolidated subcases 57-02118, 57-02177, 57-04104, 57-10854, 57-10912, 57-10913 and 57-10807.

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Case No. 39576

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SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-10913

NAME & ADDRESS: GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE ID 83628

SOURCE: SAGE CREEK TRIBUTARY: SUCCOR CREEK

QUANTITY: 19.72 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-04104 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 20 CFS.

PRIORITY DATE: 03/15/1937

POINT OF DIVERSION: T03N R05W S17 SWNWNW Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 19.72 CFS

PLACE OF USE: IRRIGATION Within Owyhee County

T03N R05W S04	NWSW	16.6	SWSW	1.8			
S05 Lot 3	(NENW)	0.9	NESE	1.0			
S07	NESE	23.0	NWSE	20.9	SWSE	31.9	SESE 28.2
S08	SWNE	2.0	NESW	3.0	SWSW	19.2	NWSE 5.3
	SWSE	16.5					
S09	SWSW	3.1	SESW	4.2			
T04N R05W S19 Lot 8	(SWNW)	20.0	Lot 7 (SENW)	20.0	NESW	1.4	Lot 9 (NWSW) 2.2
	SESW	3.5	NESE	41.6	NWSE	40.6	SWSE 2.8
	SESE	8.8					
S20 Lot 4	(NWSW)	17.9	Lot 3 (SWSW)	14.6			
S29 Lot 8	(NWNW)	33.1	Lot 7 (SWNW)	27.2	Lot 6 (NWSW)	15.6	Lot 5 (SWSW) 15.2
S30	NENE	22.8	SENE	27.3	NENW	0.4	SENE 9.9
	NESW	11.1	Lot 3 (NWSW)	29.4	SESW	34.1	NESE 10.8
	NWSE	3.3	SWSE	1.8	SESE	6.2	
S31	NENE	8.4	NWNE	25.4	SENE	20.7	
S32 Lot 7	(NENW)	28.6	NWNW	35.3	SWNW	5.0	Lot 6 (SENE) 34.5
	NESW	2.8	Lot 5 (NWSE)	19.0			
R06W S23 Lot 1	(NENE)	11.0	Lot 2 (NWNE)	17.0	SWNE	13.8	SENE 0.2
	NENW	5.0					
S24 Lot 6	(SWNE)	8.1	Lot 7 (SENE)	23.0	Lot 5 (SENE)	11.0	NWSW 0.6
	SWSW	11.3	SESW	0.2	NESE	23.5	NWSE 23.5
	SESE	8.7					
S25	NENE	1.2	NWNE	20.6	SENE	28.3	
985.9 ACRES TOTAL							

USE OF THIS RIGHT WITH RIGHT NOS. 57-02177, 57-02118 &
57-10912 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
1680.7 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-02177, 57-02118 &
57-10912 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 5882.5 AF.

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

SPECIAL MASTER'S RECOMMENDATION

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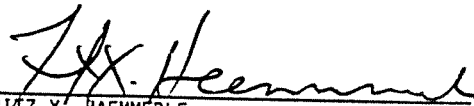
SEP 30 1996

OTHER PROVISIONS: (CONT)

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

Department of Water Resources

DATED:


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

Department of Water Resources

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In Re SRBA

Case No. 39576

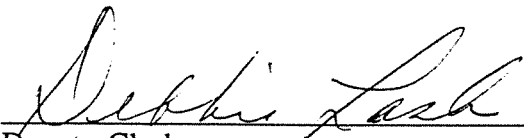
) NOTICE OF ISSUANCE OF
) AMENDED PRELIMINARY
) SPECIAL MASTER'S REPORT
) AND RECOMMENDATION

)
Water Right No. 57-10913

On September 26, 1996, Special Master Fritz X. Haemmerle issued a *Amended Preliminary Special Master's Report and Recommendation* for subcase 57-10913 pursuant to *SRBA Administrative Order I*, sections 11 (e) and (f).

The *Amended Preliminary Special Master's Report and Recommendation* is served only on parties to the subcase and is not served on the Presiding Judge. Parties to this subcase may file a *Motion to Reconsider* or a *Motion to Correct Clerical Errors* with the Special Master, but must do so within 10 days after receipt of the *Amended Preliminary Special Master's Report and Recommendation*.

DATED: September 26, 1996.


Deputy Clerk