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Department of Water Resources

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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	)	PRELIMINARY SPECIAL MASTER'S
	)	REPORT
Case No. 39576	)	FINDINGS OF FACT; CONCLUSIONS
	)	OF LAW FOR
	)	
	)	WATER RIGHT 34-10283

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 (IDWR) examined the water system for Reporting Area 1 and investigated and abstracted the notices of claim for Reporting Area 1 (Basin 34), which includes portions of Custer, Butte, Bonneville and Jefferson counties, State of Idaho. The *Director's Report for Reporting Area 34 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

No objection was filed for water right 34-10283. However, a *Notice of Completed Administrative Proceeding* filed July 17, 1996 established that ownership of this water right has changed from the previous owner, Ronold Von Hagen to the new owner, Andrew Dike Goodwin. The *Notice of Completed Administrative Proceeding* also set forth the change in ownership for water rights 34-00472 and 34-04068. Water right 34-10283 was referred to the Special Master by the issuance of *Amended Order of Reference Appointing Brigitte Bilyeu Special Master* (July 11, 1996).

II. CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a

recommendation to the Presiding Judge as to whether and how a water right should be decreed.

The record on file for this water right includes the uncontested and un rebutted *Director's Report* to which there was no objection. Pursuant to I.C. § 42-1411(4), the director's report shall constitute *prima facie* evidence of the nature and extent of the water right. All elements of the water right remain as originally reported in the *Director's Report*, except for the name and address of the claimant. **Element 1**, the name and address of the claimant, will be changed to reflect the ownership change from Ronold Von Hagen to Andrew Dike Goodwin as set forth in the *Notice of Completed Administrative Proceeding*. Therefore, IT IS RECOMMENDED that water right 34-10283 be **decreed** with the elements as set forth in the attached *Preliminary Special Master's Recommendation*.

DATED September ²⁷~~26~~, 1996.



BRIGETTE BILYEU
Special Master, Reporting Area 1
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)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 34-10283

SEP 27 11 8:09
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED - *JA*

NAME & ADDRESS: ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM ID 83340

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SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

Department of Water Resources
Adjudication Bureau

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR: ONE HOME

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION: T07N R22E S03

SESESE

Within CUSTER County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC
T07N R22E S03

Within CUSTER County
SESE

DATED SEP 20 1996

Brigitte Bilyeu
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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Department of Water Resources

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)
_____)

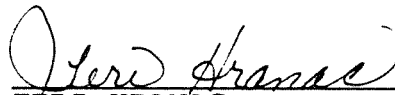
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 34-10283

On September 27, 1996, Special Master BRIGETTE BILYEU issued a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative Order 1 sections 11 (e) and (f).

These documents are served only on parties to the subcase. They are not served on the Presiding Judge. Parties to this subcase may file a Motion for Reconsideration or a Motion to Correct Clerical Errors with the Special Master, but must do so before October 11, 1996.

DATED September 27, 1996.



TERI HRANAC
Deputy Clerk

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1996 SEP 27 AM 8:19

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

CERTIFICATE OF MAILING

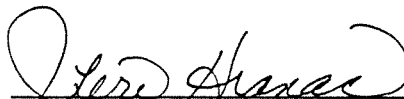
Water Right(s): 34-10283

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 27, 1996, with sufficient first-class postage prepaid to the following:

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

ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM, ID 83340



TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

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09/27/96