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Department of Water Resources
Adjudication Bureau

1998 MAR 31 PM 2:02

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 OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-00405
_____	)	

On February 26, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-00405 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 31, 1998.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MAILED
MAR 31 1998

50

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 34-00405

1998 MAR 31 PM 2:02

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: RANDY R PURSER
RT 1 BOX 120
MOORE ID 83255

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.43 CFS.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

PRIORITY DATE: 05/01/1898

POINT OF DIVERSION: T06N R25E S14 SENWSE Within BUTTE County

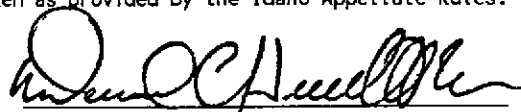
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.2 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T05N R26E S05	SWNE 3	SENE 5	NESE 39	NWSE 40
		SWSE 40	SESE 39		
	166 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MAR 03 1965

Department of Water Resources

1977 FEB 26 AM 9:57

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 34-00405

On February 26, 1998, 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 February 26, 1998.

Yusef Hassan
3881 URANUS

TERI HRANAC
Deputy Clerk

NOTICE OF ISSUANCE

1998 FEB 26 AM 9: 57

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 AND
	)	RECOMMENDATION
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	FOR WATER RIGHT 34-00405

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 (Basin 34) and investigated and abstracted the notices of claim for Reporting Area 1, 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 an abstract for the elements of this water right.

An objection was filed by the United States Bureau of Land Management which was subsequently dismissed. *Order Dismissing United States' Objection and Dismissing United States as a Party to Subcase* (Sept. 23, 1997). An *Amended Director's Report* was filed for this water right; however, no objections were filed.

II. CONCLUSIONS OF LAW

The record on file for this subcase, consists of the *Amended 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. 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 34-00405*.

DATED: FEB 26 1998

Miner

FILED


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 34-00405

1998 FEB 26 AM 9:57

NAME & ADDRESS: RANDY R PURSER
RT 1 BOX 120
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.43 CFS.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

PRIORITY DATE: 05/01/1898

POINT OF DIVERSION: T06N R25E S14 SENWSE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.2 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T05N R26E S05	SWNE 3	SENE 5	NESE 39	NWSE 40
	166 ACRES TOTAL	SWSE 40	SESE 39		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

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.

RECOMMENDATION

FEB 26 1998

Dwight D. Hurlbutt, Jr.
SPECIAL MASTER

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

1773 FEB 26 AM 9:57

CLERK
COURT
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)

CERTIFICATE OF MAILING

Case No. 39576)

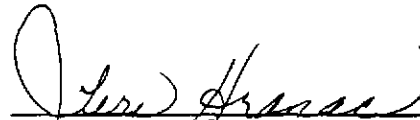
Water Right(s): 34-00405

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 February 26, 1998, with sufficient first-class postage prepaid to the following:

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

RANDY PURSER
ROUTE 1 BOX 120
MOORE, ID 83255
Phone: 208-554-3831



TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/26/98

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	S T G	F L G	POINT OF DIVERSION	TOTAL DIVERSION	POD DIVERSION NAME	*M P U O S D E
=====								
WATER SOURCE: BIG LOST RIVER								

34-00428B	SPLIT RIGHT - OWNER CHANGE	06/01/1894	D 06N 26E 32	NWSENW		0.600 CFS		N 01 30
34-00320	SPLIT RIGHT - OWN CHANGE	09/26/1894	D 06N 25E 14	SENWSE		1.690 CFS		N 01 14
34-00894A	SPLIT RIGHT - OWNER CHANGE	06/01/1895	D 06N 25E 14	SENWSE		0.600 CFS		N 01 44
34-00405	SPLIT RIGHT - OWNER CHANGE	05/01/1898	D 06N 25E 14	SENWSE		1.200 CFS		Y 01 204
34-00314	SPLIT RIGHT - OWNER CHANGE	05/31/1898	D 06N 26E 32	NWSENW		2.500 CFS		Y 01 329
TOTAL:						6.590 CFS		
							30 84.5 30 60 125 329.5	

WATER SOURCE: GROUNDWATER

34-02447	PURSER, RANDY R	07/16/1963	L 05N 26E 5	NWNWSE		3.640 CFS		Y 01
34-10930	PURSER, RANDY R	08/06/1987	J 05N 26E 5	NWNWSE		1.160 CFS		Y 01
TOTAL:						4.800 CFS		

267 ac. po 4

No Type I Expansion
34-10930 is a Type II Exp.

Remarks in split rights
need to be completed

MILANO, LINDA

7-2-97

AMENDED DIRECTOR'S REPORT

Subcase No. 34-00405

In Re SRBA

Twin Falls County Civil Case No 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J Dreher, Director
David R Tuthill, Jr., Adjudication Bureau Chief

January 15, 1998

AMENDED DIRECTOR'S REPORT

NOTED
JAN 22 1998

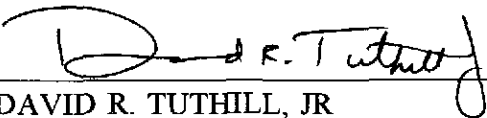
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Special Master's *Order Setting Subcase Deadlines* dated November 21, 1997, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 15th day of Jan, 1998.



DAVID R. TUTHILL, JR
Adjudication Bureau Chief

CERTIFICATE OF MAILING

I certify that on 1-16, 1998, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, 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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to

Clive Strong
Office of the Attorney General
P O Box 44449
Boise, ID 83711-4449
Attorney for the State of Idaho

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

3. Randy R Purser
Rt 1, Box 120
Moore, ID 83255

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

4. Butte County Courthouse
248 W Grand Avenue
Arco, ID 83213

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Sandy Egbert
Signature of person delivering form

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

DATE: JAN-14-1998

PAGE: A-1

 RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00405

NAME AND ADDRESS: ~~KOIS WALKER~~
~~JACK WALKER~~
~~RT 1 BOX 119~~
~~MOORE ID 83233~~

RANDY R PURSER
 RT 1 BOX 120
 MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.43 CFS.
COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

PRIORITY DATE: 05/01/1898

POINT OF DIVERSION: T06N R25E S14 SENWSE Within BUTTE County
~~T06N R26E S32~~ ~~NWSENN~~

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	1.2 CFS
		~~08/01~~ ~~10/13~~	

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T05N R26E S05	SWNE 3	SENE 5	NESE 39	NWSE 40
		SWSE 40	SESE 39		
	~~80A~~	~~NWSE 20~~	~~NWSE 20~~	~~SWSE 37~~	

166 ACRES TOTAL~~243 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00314, 34-02447A AND 34-10930A.

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

WATER DELIVERED THROUGH THE 3 IN 1 AND B & A DITCHES

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

DATE: JAN-14-1998

PAGE: A-2

34-00405 (CONT.)

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.02 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 667.5 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 267 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS: 34/00314, 34/00428B, 34/00320, 34/00894A,
34/02447 AND 34/10930.
0.38 CFS OF RIGHT NO. 34/00320 AND 0.60 CFS OF RIGHT NO.
34/00894A IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF
RIGHT NOS. 34/00428B AND 34/00320.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1).

WATER DELIVERED THROUGH THE 3 IN 1 DITCH.

TRANSMISSION VERIFICATION REPORT

TIME : 01/16/1998 08:16
NAME : IDWR
FAX : 3275400
TEL : 3277906

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

01/16 08:12
SRBA COURT
00:04:11
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ECM

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SEP - 8 1997

Department of Water Resources
Adjudication Bureau

1997 SEP -5 AM 9:10

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	)	Water Rights:	Listed on Attached
	)		Exhibit A
Case No. 39576	)	ORDER RE: AMENDMENT OF	
	)	CLAIMS	
	)		

Numerous contested water rights in Reporting Area 34 (Basin 34) were claimed or recommended based on I.C. § 42-1416 which was repealed by the Idaho legislature in 1994. The legislature enacted new statutes commonly referred to as the "amnesty" statutes and codified as I.C. §§ 42-1425, 1426 and 1427. The legislature also enacted an uncoded section which allows claimants to amend their claims if necessary under the new statutes.

(3) The district court shall provide any claimant of a water right acquired under state law or established under federal law with an opportunity to file new notices of claim or to file amendments to notices of claim to conform them with the act, subject to the following procedures:

(a) the provisions of subsection (1) of section 42-1409, Idaho Code, do not require the amendment of any notice of claim for water rights acquired under state law. The director shall investigate the notices of claim sufficiently to determine these matters. If any claimant disagrees with the director's determination of these matters, the claimant may file an objection to the director's report.

Idaho Code Uncoded Section 34, located at Compiler's Notes at I.C. § 42-1409; also located at Section 34 of S.L. 1194, ch. 454, as amended by § 7 of S.L. 1994, ch. 455.

Therefore, claimants may amend or file new notices of claim for water rights claimed or recommended under I.C. § 42-1416.

MICHAEL J. KELLY

The new statute regarding enlargements of water rights requires the Idaho Department of Water Resources to publish notice of enlargements. I.C. § 42-1426. The following schedule shall apply for new or amended notices of claim, notices of enlargements, and other deadlines to complete the water rights listed on Exhibit A.

10/2/97	5:00 pm	Deadline for claimants to file amended or new notices of claims with IDWR.
10/27/97	5:00 pm	Deadline for IDWR to publish Notice of Enlargement of Water Right Pursuant to I.C. § 42-1426.
12/29/97	5:00 pm	Deadline for persons who have filed an application for a water right or been issued a permit for a water right prior to April 17, 1994, but who have not filed a notice of claim in the SRBA, to file a petition asserting claimed injury from the enlargement.
1/20/98	5:00 pm	Deadline for IDWR to file Amended Director's Reports.
2/20/98	5:00 pm	Deadline for filing objections to Amended Director's Reports.
3/6/98	5:00 pm	Deadline for filing responses to objections.

DATED September 5, 1997.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER RE: AMENDMENT OF CLAIMS was mailed on September 5, 1997, with sufficient first-class postage prepaid to the following:

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

U.S. Dept. of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Court Certificate of Mailing for Expedited Hearings

Claimants to Water Rights Listed on Exhibit A

Parties to Subcases Listed on Exhibit A

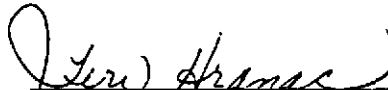

Deputy Clerk

EXHIBIT A--ORDER RE: AMENDMENT OF CLAIMS

Subcase Nos:

34-00002	34-00598
34-00004	34-00599
34-00015	34-00692D
34-00030	34-00699A
34-00084	34-00700A
34-00103	34-00701A
34-00116B	34-00702A
34-00136	34-00724
34-00151	34-00742
34-00152	34-00743
34-00154	34-00767
34-00155	34-00768
34-00158	34-00769
34-00161A	34-00770
34-00162A	34-00771
34-00162B	34-00772
34-00166	34-00784
34-00208A	34-00785
34-00208B	34-00786
34-00220	34-00787
34-00221	34-00808
34-00222	34-00826B
34-00290	34-00834
34-00291	34-00835
34-00292	34-00836
34-00293	34-00839
34-00294	34-00859A
34-00300	34-00860A
34-00334	34-00870
34-00347	34-00872A
34-00348	34-00884
34-00349	34-00885
34-00405	34-00886
34-00406	34-00894A
34-00410B	34-07100
34-00441	34-10100
34-00442	34-10220
34-00454	34-10236
34-00455	34-10237
34-00456	34-10238
34-00496A	34-10538
34-00498	34-10619
34-00516	34-10729
34-00517	34-10920
34-00525	
34-00543	
34-00550B	
34-00551B	
34-00573A	
34-00594	

MAILED
SEP 10 2004