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Department of Water Resources

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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

Case No. 39576

) Subcase 35-02180B
) (Christensen Farms, Inc.)
)
) ORDER GRANTING MOTION
) TO WITHDRAW OBJECTION and
) SPECIAL MASTER REPORT

Findings of Fact

Christensen Farms, Inc., 914 North, 150 West, Blackfoot, Idaho 83221, filed a *Notice of Claim to a Water Right* on April 18, 1989, claiming 2.9 cfs from groundwater to irrigate 205 acres from April 1 to November 1 with a priority date of July 8, 1950, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation & Other Uses, Reporting Area 5, Part 2, Volume One (IDWR Basin 35)* on September 15, 1998. The Director recommended the claim as filed but for 2.56 cfs to irrigate from April 1 to October 31.

David Christensen filed an *Objection* in subcase 35-02180B on approximately November 9, 1998, objecting to name and address and quantity. The Twin Falls and North Side Canal Companies filed *Objections* on November 20, 1998, objecting to source, quantity, other provisions and alleging the water right should not exist.

On August 27, 2001, the Special Master entered an *Order Granting Respondents' Motions for Partial Summary Judgment* in consolidated subcases 35-07200 and 41-02016 dismissing the Canal Company *Objections*. On April 23, 2002, the SRBA Court received from IDWR a fax-copy of a letter, dated March 10, 1999, signed by David Christensen, Christensen Farms, stating:

I, David Christensen, on this aforementioned date do withdraw my objection to the courts recommendation on the above referenced water right [35-02180B]. In so doing, I agree to the courts previous terms.¹

Order

Mr. Christensen's letter, being in the nature of a motion to withdraw his *Objection*,
THEREFORE, IT IS ORDERED that Mr. Christensen's motion to withdraw his
Objection in subcase 35-02180B is **granted**.

Conclusions of Law

Christensen Farms, Inc., is entitled to a partial decree adjudicating a water right under claim 35-02180B as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 35-02180B*.

DATED April 24, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ The SRBA Court's records indicate the letter was never filed with the Court.
ORDER GRANTING MOTION TO WITHDRAW OBJECTION
and SPECIAL MASTER REPORT
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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)
Case No. 39576)
_____)

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

Water Right 35-02180B

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: CHRISTENSEN FARMS INC
914 N 150 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 2.56 CFS
820.00 AFY

PRIORITY DATE: 07/08/1950

POINT OF DIVERSION: T01S R35E S10 NWSENE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.56 CFS 820.00 AFY

PLACE OF USE:	Irrigation		Within Bingham County
	T01S R35E S02	SWSW 9.0	
	S03	SESE 7.0	
	S10	NENE 36.0	NWNE 29.0
		SWNE 35.0	SENE 39.0
	S11	NWNW 25.0	SWNW 25.0
	205.0 Acres Total		

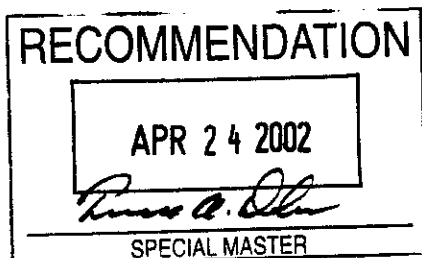
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
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JUDICIAL DISTRICT OF

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *ON*

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): 35-02180B

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 April 24, 2002, with sufficient first-class postage prepaid to the following:

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

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER

Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

CERTIFICATE OF MAILING

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04/24/02

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
CHRISTENSEN FARMS INC
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

FREMONT MADISON IRRIG. DIST.

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

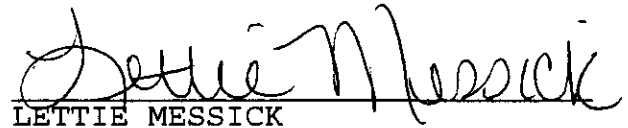
ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
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STATE OF IDAHO

Represented by:
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STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
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BOISE, ID 83711-4449

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914 NORTH 150 WEST
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LETTIE MESSICK
Deputy Clerk