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Department of Water Resources

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FILED
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 35-04055
) (Duffin)
)
) SPECIAL MASTER REPORT

Findings of Fact

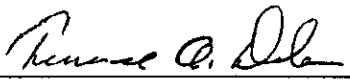
The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-04055 be disallowed: "No lawful appropriation shown." L. Keith and Louise Duffin, 3152 West, 2000 South, Aberdeen, Idaho 83210, filed an *Objection* on June 2, 1999, objecting to quantity, priority date and the water right not being recommended.

IDWR filed a *Supplemental Director's Report Regarding Subcase 35-04055* on August 1, 2000, again recommending the claim be disallowed. However, on September 22, 2000, the Duffins and IDWR filed a *Standard Form 5* agreeing to 1 cfs from groundwater to irrigate 155 acres in Bingham County from April 1 to October 31 with a priority date of September 1, 1968, based on beneficial use.

Conclusions of Law

The Duffins are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 35-04055*.

DATED February 11, 2003.


TERRENCE A. DOLAN
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 35-04055

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DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: L KEITH DUFFIN
LOUISE DUFFIN
3152 W 2000 S
ABERDEEN, ID 83210

SOURCE: GROUND WATER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO 35-02675 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 620 AP.

PRIORITY DATE: 09/01/1968

POINT OF DIVERSION: T06S R30E S11 NESWSE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R30E S11	NWSE 40.0
	NESE 39.0	SESE 39.0
	SWSE 37.0	
	155.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO 35-02675 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 155 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

RECOMMENDATION

FEB 11 2003
Ronald A. Duffin
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

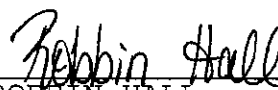
Water Right(s): 35-04055

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 11, 2003, with sufficient first-class postage prepaid to the following:

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

L KEITH DUFFIN
L. KEITH DUFFIN
LOUISE DUFFIN
3152 W 2000 S
ABERDEEN, ID 83210
Phone: 208-397-4101



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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SRBA
TWIN FALLS, IDAHO
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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 35-04055

On February 11, 2003, Special Master TERRENCE A. DOLAN 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 11, 2003.

Robbin Hall
ROBBIN HALL
Deputy Clerk