

2003 FEB 26 AM 11:31

DIST. _____
TWIN FALLS, 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

Case No. 39576

)
) Subcase 35-02207
) (Adams)
)
) 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 35-02207 to Ruth and Don Adams, 2201 West, 1200 South, Sterling, Idaho 83210, for 1.84 cfs from an unnamed stream / drain to irrigate 92 acres in Bingham County from April 1 to October 31 with a priority date of October 29, 1951, based on a license.

No one objected to 35-02207, but IDWR identified the claim as overlapping with another claim (35-02768) which was objected to by the Twin Falls and North Side Canal Companies. The matter was finally resolved on January 31, 2002, when Presiding Judge Roger S. Burdick entered an *Order of Partial Decree for Water Right 35-02768*.

Conclusions of Law

Don and Ruth Adams are entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 35-02207*.

DATED February 26, 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 35-02207

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RECEIVED
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: DON L ADAMS
RUTH MAE ADAMS
2201 W 1200 S
STERLING, ID 83210

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER
UNNAMED DRAIN SNAKE RIVER

QUANTITY: 1.84 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02768 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.84 CFS.

PRIORITY DATE: 10/29/1951

POINT OF DIVERSION: T04S R32E S29 NWSEW Within Bingham County
S32 NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.84 CFS

PLACE OF USE: Irrigation Within Bingham County
T04S R32E S32 NENE 20.0 NWNE 32.0
SWNE 40.0
92.0 Acres Total

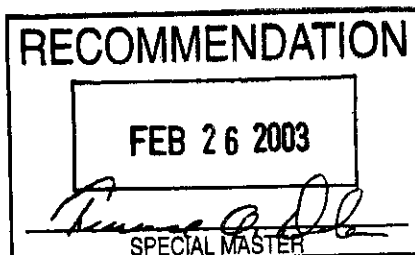
USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 92 ACRES IN A SINGLE
IRRIGATION SEASON.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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TWIN FALLS CO., IDAHO

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 35-02207

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

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

DON L ADAMS
RUTH MAE ADAMS
2201 W 1200 S
STERLING, ID 83210
Phone: 208-397-4641

Robbin Hall
ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 35-02207

On February 26, 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 26, 2003.

Robbin Hall
ROBBIN HALL
Deputy Clerk