

2003 FEB 26 AM 11:32

FILED
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

)
) Subcase 35-07391D
) (Breeding)
)
) 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 35-07391D to Ralph Breeding, 2875 S. Visiting Road, American Falls, Idaho 83211, for .04 cfs from groundwater to irrigate 33 acres in Power County with a priority date of March 13, 1974, based on a license.

No one objected to 35-07391D, but IDWR identified the claim as overlapping with another claim (35-02432D) 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 35-02432D*.

Conclusions of Law

Ralph Breeding is 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 35-07391D*.

DATED February 26, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

Water Right 35-07391D

DISTRICT ATTORNEY
 TWIN FALLS CO., IDAHO
 FILED

RECOMMENDATION

FEB 26 2003

Thomas A. DeLo

SPECIAL MASTER

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 35-07391D

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

RALPH BREDING
2875 S VISITING RD
AMERICAN FALLS, ID 83211
Phone: 208-226-2109

Robbin Hall
ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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NOTICE OF SRBA
TWIN FALLS CO. IDAHO
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

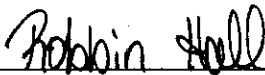
Water Right(s): 35-07391D

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
Deputy Clerk