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U.S. District Court for the District of Idaho

2003 DEC 19 PM 12:14

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

Case No. 39576

)

)

Subcase 35-04179A

)

(Christensen)

)

)

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 35-04179A to Mary and Carl Christensen for 1.04 cfs from an unnamed drain to irrigate 151 acres in Bingham County from April 1 to October 31 with a priority date of April 1, 1955, based on beneficial use.

The United States of America, Department of Interior, Bureau of Reclamation filed an *Objection* on June 2, 1999, objecting to place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on January 23, 2003, for a substitution of party and another *NCAP* for change in place of use on July 28, 2003.

On November 26, 2003, Mr. Christensen and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing that the claim be decreed to Carl R. Christensen and the Christensen Bypass Trust, 1850 N. Andrew Lane, Kuna, Idaho, 83634, for 1.04 cfs from an unnamed drain to irrigate 542 acres from April 1 to October 31 with a priority date of April 1, 1955.

Conclusions of Law

Carl R. Christensen and the Christensen Bypass Trust are entitled to a partial decree adjudicating a water right as described the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 35-04179A*.

DATED December 19, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-04179A

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NAME AND ADDRESS: CARL R CHRISTENSEN
CHRISTENSEN BYPASS TRUST
1850 N ANDREW LANE
KUNA, ID 83634

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 1.04 CFS
284.00 AFY

The total instantaneous diversion of water from all points of
diversion under right 35-4179A shall not exceed 1.04 cfs, nor
total annual volume of 284 af.

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION: T05S R32E S06 NWNWSW Within Bingham County
SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.04 CFS 284.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T05S R32E S05	NESW 31.0 NWSW 38.0 SWSW 39.0 SESW 6.0
	S06 LOT 1 (NENE) 1.0	LOT 2 (NWNE) 28.0
	SWNE 4.0	SWSE 40.0
	SESE 40.0	
	S07 NENE 40.0	NWNE 40.0
	NENW 40.0	LOT 1 (NWNW) 40.0
	LOT 2 (SWNW) 40.0	SENW 40.0
	S08 NENW 16.0	NWNW 38.0
	SWNW 20.0	SENW 1.0
	542.0 Acres Total	

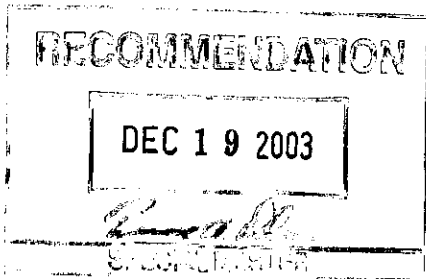
This right is limited to the irrigation of 71 acres within the
place of use described above in a single irrigation season.
Rights 35-7990, 35-4179A, 35-4179B and 35-2009 when combined are
limited to the irrigation of 232 total acres within the place of
use described above in a single irrigation season.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-04179A

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 December 19, 2003, with sufficient first-class postage prepaid to the following:

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

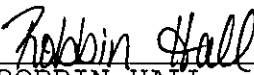
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CARL R CHRISTENSEN
CHRISTENSEN BYPASS TRUST
1850 N ANDREW LANE
KUNA, ID 83634
Phone: 208-397-4401

CERTIFICATE OF MAILING

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12/19/03

COURTESY COPY
MARY HEGE
1850 N ANDREW LANE
KUNA, ID 83634
Phone: 208-922-9070



ROBBIN HALL
Deputy Clerk

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

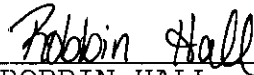
Water Right(s): 35-04179A

On December 19, 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 December 19, 2003.



ROBBIN HALL
Deputy Clerk