

772 APR -9 PM 4: 03
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	)	Subcase 35-07410
	)	(Miller Farms, Inc.)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

Miller Farms, Inc., 2552 East, 400 North, Roberts, Idaho 83444, filed an *Amended Notice of Claim to a Water Right* on December 16, 1988, claiming 6.94 cfs from groundwater to irrigate 1200 acres from April 1 to November 1 with a priority date of March 29, 1974, based on a license. The Director of the Idaho Department of Water Resources filed his *Corrected Director's Report for Irrigation & Other Uses, Reporting Area 5, Part I, Volume One (IDWR Basin 35)* on July 10, 1998. The Director recommended claim 35-07410 as filed.

The Twin Falls and North Side Canal Companies filed *Objections* on August 24, 1998, and June 2, 1999. On December 28, 1998, Ron Judy lodged an *Objection* to quantity and period of year, but never followed up with a motion to file a late objection. 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*.

Conclusions of Law

Miller Farms, Inc., is entitled to a partial decree adjudicating a water right under claim 35-07410 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 35-07410*.

DATED April 9, 2002.



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 35-07410

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

NAME AND ADDRESS: MILLER FARMS INC
2552 E 400 N
ROBERTS, ID 83444

SOURCE: GROUNDWATER

QUANTITY: 6.94 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.61 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4800 AF.
COMBINED RIGHT NOS.: 35-02666B, 35-02901

PRIORITY DATE: 03/29/1974

POINT OF DIVERSION: T04N R36E S02 NESESW Within Jefferson County
S11 NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	6.94 CFS

PLACE OF USE:	Irrigation	Within Jefferson County
T04N R36E S01	SWNW 40.0	NWSW 40.0
	SWSW 40.0	
S02	SWNE 37.0	SENE 37.0
	NENW 34.0	SENW 40.0
	NESW 40.0	SESW 38.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S11	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 38.0	SENW 34.0
	NESW 40.0	SESW 33.0
	NESE 40.0	NWSE 40.0
	SWSE 33.0	SESE 39.0
S12	NWNW 40.0	SWNW 39.0
	NESW 40.0	NWSW 40.0
	SWSW 39.0	SESW 39.0
	1200.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1200 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02666B, 35-02901

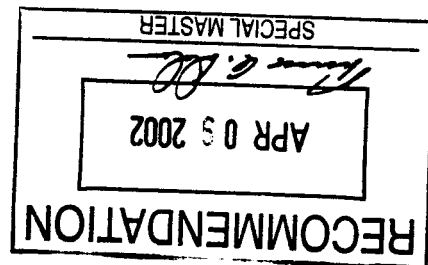
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 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
DISTRICT OF THE

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

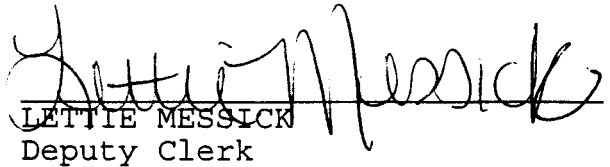
Water Right(s): 35-07410

On April 09, 2002, 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 April 09, 2002.


LETTIE MESSICK
Deputy Clerk

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

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): 35-07410

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 09, 2002, with sufficient first-class postage prepaid to the following:

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

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

RON JUDY
Represented by:
TERESA L. STURM
PO BOX 51219
428 PARK AVENUE
IDAHO FALLS, ID 83405-1219
Phone: 208-523-4445

CERTIFICATE OF MAILING

[Signature] PAGE 1
LETITIE MESSICK 04/09/02
Deputy Clerk