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Department of Water Resources

2002 APR 29 PM 3:43

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	)	Subcases 35-07953, 35-07953A and
	)	35-07953B (Ruff Times Farms)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

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, Volume Two (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-07953 to Ruff Times Farms, c/o Doug Ruff, 3005 West, 2100 South, Aberdeen, Idaho 83210, for 2.4 cfs from groundwater to irrigate 120 acres from April 1 to November 1 with a priority date of February 23, 1981, based on a license. IDWR filed an *Amended Notice of Completed Administrative Proceeding* on March 18, 1999, in part because of a split of 35-07953 into 35-07953A and 35-07953B.

Ruff Times Farms filed an *Objection* in subcases 35-07505, 35-07759 and 35-07953 on May 14, 1999, objecting to quantity and alleging the "total combined rate should be at least 4.90 cfs." The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity, other provisions and alleging the water right should not exist.

Ruff Times Farms and IDWR filed a *Stipulation to Resolve Objection* in subcase 35-07953B on October 19, 2000. 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*. Ruff Times Farms filed a *Notice of Withdrawal* on February 25, 2002, withdrawing its *Objections* in subcases 35-07505, 35-07759, 35-07953 (35-07953A and 35-07953B). Finally, on March 13, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* in subcases 35-07505, 35-07759 and 35-07953A

stating: "Application for Permit 35-9050 Approved. No Change to SRBA Claims 35-7505, 35-7759, 35-7953A." There are no pending objections.

Conclusions of Law

Ruff Times Farms is entitled to partial decrees adjudicating water rights under claims 35-07953A and 35-07953B as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-07953A and 35-07953B*.

Recommendation

THEREFORE, IT IS RECOMMENDED that 35-07953 **not** be adjudicated as a water right the claim having been split into 35-07953A and 35-07953B

DATED April 29, 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-07953B

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

NAME AND ADDRESS: RUFF TIMES FARMS
C/O DOUG RUFF
3005 W 1200 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS
32.00 AFY

PRIORITY DATE: 02/23/1981

POINT OF DIVERSION: T06S R30E S07 NENENW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.09 CFS 32.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
T06S R30E S07	NENE 38.0 SWNE 37.0 NENW 38.0 SWNW 37.0	NWNE 37.0 SENE 38.0 NWNW 37.0 SENE 38.0
300.0 Acres Total		

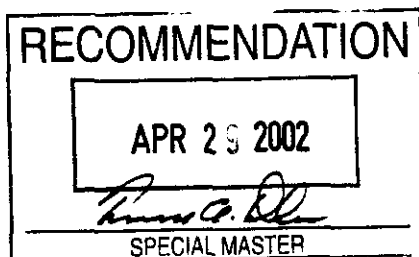
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

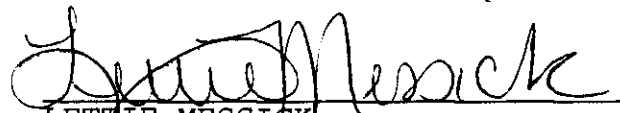
Water Right(s): 35-07953B

On April 29, 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 29, 2002.


LETTIE MESSICK
Deputy Clerk

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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)

CERTIFICATE OF MAILING

Case No. 39576)

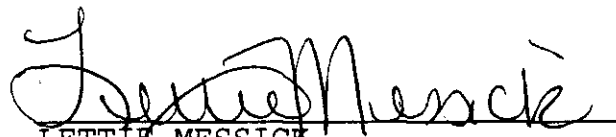
Water Right(s): 35-07953B

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 29, 2002, with sufficient first-class postage prepaid to the following:

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

RUFF TIMES FARMS
C/O DOUG RUFF
3005 W 1200 S
ABERDEEN, ID 83210


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/29/02