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Department of Water Resources

FILED
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 41-07034

) (Deeg)

Case No. 39576

)

) SPECIAL MASTER REPORT

)

Findings of Fact

Farold J. Nelson filed a *Notice of Claim to a Water Right* under 41-07030 on March 7, 1990, claiming 1.82 cfs from groundwater to irrigate 91 acres in Power County from March 15 to November 15 with a priority date of April 7, 1978, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 42* on November 2, 1999. The Director recommended the claim as filed, but to Timothy P. Deeg, 2957 Deeg Road, Rockland, Idaho 83211, for irrigation from April 1 to October 31.

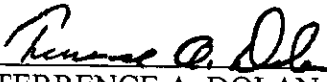
The claimant filed an *Objection* on December 22, 1999, objecting to quantity, points of diversion and period of year. The Twin Falls and North Side Canal Companies filed *Objections* on January 3, 2000, objecting to source and quantity and alleging the water right should not exist. On August 27, 2001, 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*.

The claimant reported that his *Objection* would be resolved by administrative transfer proceedings, but the application has not been filed for more than a year because of delays in obtaining expert assistance. Finally, the Special Master entered an *Order Setting Deadline* requiring the claimant to file with IDWR a transfer application no later than November 8, 2002; otherwise, the Special Master would recommend that the claim be decreed as recommended by IDWR. To date, there is no evidence that the transfer application has been filed.

Conclusions of Law

Timothy P. Deeg 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 41-07034*.

DATED January 17, 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 41-07034

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FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: TIMOTHY P DEEG
2597 DEEG ROAD
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.82 CFS
364.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.:
41-07071, 41-07030, 41-07081 & 41-07076

PRIORITY DATE: 04/07/1978

POINT OF DIVERSION: T09S R31E S06 SWSWSE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.82 CFS 364.00 AFY

PLACE OF USE:	Irrigation	Within Power County
	T09S R30E S12	NESW 22.8 SESW 22.7 NWSE 22.8 SWSE 22.7
	91.0 Acres Total	

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.

RECOMMENDATION

JAN 17 2003

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 41-07034

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 January 17, 2003, with sufficient first-class postage prepaid to the following:

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

ABERDEEN-AMERICAN FALLS GROUND

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

TIMOTHY P DEEG

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

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STATE OF IDAHO

Represented by:

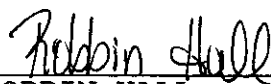
NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449



ROBBIN HALL
Deputy Clerk

2003 JAN 17 PM 2:41

SRBA
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

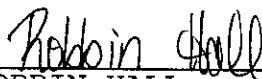
Water Right(s): 41-07034

On January 17, 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 January 17, 2003.



ROBBIN HALL
Deputy Clerk