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Department of Water Resources

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
JULY 10, 1998
FILED

In Re SRBA) Subcases 35-07575, 35-13316 (Wells)
Case No. 39576) and 35-13317 (Robison)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

Farm Credit Bank of Spokane filed a *Notice of Claim to a Water Right* on November 29, 1988, claiming 7.86 cfs from groundwater to irrigate 393 acres in Jefferson County from April 1 to November 1 with a priority date of January 27, 1976, 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 the claim as filed.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on August 24, 1998, objecting to place of use. The Twin Falls and North Side Canal Companies filed *Objections* on August 24, 1998, and June 2, 1999, objecting to source, quantity, other provisions and alleging the water right should not exist.

IDWR filed a *Notice of Completed Administrative Proceedings* on October 9, 1998, for a substitution of party-claimants to AG America FCB and Charles and Marie Wells. IDWR filed another *NCAP* on June 29, 1999, for a change in place of use. IDWR filed a third *NCAP* on November 3, 1999, deleting AG America FCB as a party-claimant.

On July 6, 2001, the Special Master entered an *Order Granting Motion to Dismiss Objections* dismissing the United States *Objections* based on its *Motion*. 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*.

Finally, on May 20, 2002, IDWR filed its last *NCAP* for changes in the point of diversion, place of use, period of use, nature of use, change in ownership and a split of 35-07575 into 35-13316 (Charles and Marie Wells, P.O. Box 104, Roberts, Idaho 83444) and 35-13317 (David W. Robison, 2760 East, 800 North, Roberts, Idaho 83444).

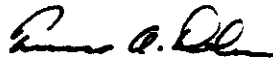
Conclusions of Law

Charles and Marie Wells and David W. Robison are entitled to partial decrees adjudicating water rights under claims 35-13316 (Wells) and 35-13317 (Robison) as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-13316 and 35-13317*.

Recommendation

THEREFORE, IT IS RECOMMENDED that 35-07575 **not** be adjudicated as a water right the claim having been split into 35-13316 and 35-13317.

DATED July 1, 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 35-13317

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

NAME AND ADDRESS: DAVID W ROBISON
2760 E 800 N
ROBERTS, ID 83444

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
9.00 APY

PRIORITY DATE: 01/27/1976

POINT OF DIVERSION: T05N R37E S30 NWNE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.04 CFS 9.00 APY

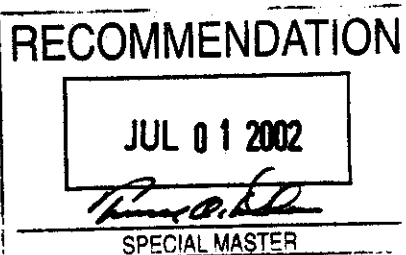
PLACE OF USE: Commercial Within Jefferson County
T05N R37E S30 NWNE

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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DISTRICT COURT-SRBA
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)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

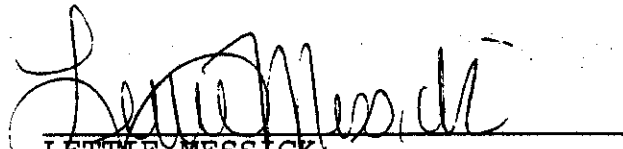
Water Right(s): 35-13316
35-13317

On July 01, 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 July 01, 2002.


LETTIE MESSICK
Deputy Clerk