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Department of Water Resources

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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 35-02654C, 35-13314 (Walker)
	)	and 35-13315 (Andco Leasing LC)
	)	
Case No. 39576	)	AMENDED
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

Roland L. Walker, P.O. Box 129, Menan, Idaho 83434, filed a *Notice of Claim to a Water Right* on July 28, 1989, claiming 6.46 cfs from groundwater to irrigate 445 acres from April 1 to November 1 with a priority date of March 17, 1961, 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 for 12.98 cfs to irrigate 907 acres from April 1 to October 31.

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. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on August 24, 1998, objecting to priority date and place of use.

On December 29, 1998, Mr. Walker and the United States filed a *Stipulation to Resolve Objection and Joint Motion to Dismiss the United States as a Party* and on January 13, 2000, IDWR filed its *Notice of Concurrence*. 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*.

IDWR filed a *Notice of Completed Administrative Proceeding* on March 25, 2002, for changes in the point of diversion, place of use, nature of use, ownership and a split of 35-02654C into 35-13314 (Walker) and 35-13315 (Andco Leasing LC, 1820 W. Broadway, Idaho Falls, Idaho 83402).

On May 1, 2002, the Special Master entered a *Special Master Report and Recommendation* in subcases 35-072654C, 35-13314 and 35-13315. However, the *Recommendation* for 35-13314 did not accurately reflect the place of use as indicated in the *Notice of Completed Administrative Proceeding* filed by IDWR on March 25, 2002.

Order

THEREFORE, IT IS ORDERED that Mr. Walker's and the United States' *Joint Motion to Dismiss the United States as a Party* is **granted**.

Conclusions of Law

Roland L. Walker and Andco Leasing LC are entitled to partial decrees adjudicating water rights under claims 35-13314 (Walker) and 35-13315 (Andco Leasing LC) as recommended by IDWR and as described in the attached *Amended Special Master Recommendations for Partial Decrees for Water Rights 35-13314 and 35-13315*.

Recommendation

THEREFORE, IT IS RECOMMENDED that 35-02654C **not** be adjudicated as a water right the claim having been split into 35-13314 and 35-13315.

DATED May 1, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

Water Right 35-13314

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

AMENDED
RECOMMENDATION

JUN 11 2002

Renard A. DeLo

SPECIAL MASTER

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

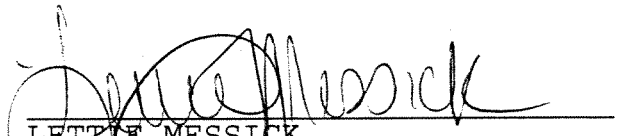
Water Right(s): 35-13314

On June 11, 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.

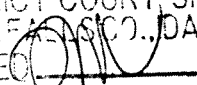
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 June 11, 2002.


LETTIE MESSICK
Deputy Clerk

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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)

CERTIFICATE OF MAILING

Case No. 39576)

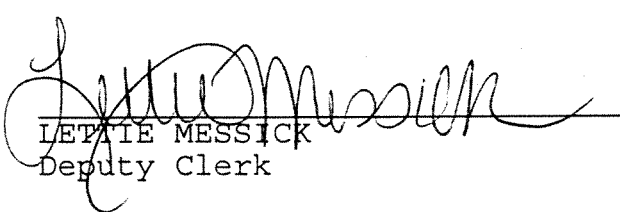
Water Right(s): 35-13314

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 June 11, 2002, with sufficient first-class postage prepaid to the following:

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

ROLAND L WALKER
PO BOX 129
MENAN, ID 83434


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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