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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 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 35-13315

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

NAME AND ADDRESS: ANDCO LEASING LC
1820 W BROADWAY
IDAHO FALLS, ID 83402

SOURCE: GROUNDWATER

QUANTITY: 0.62 CFS
130.00 AFY

PRIORITY DATE: 03/17/1961

POINT OF DIVERSION: T01N R37E S04 SESWSW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.03 CFS
			4.00 AFY
	Commercial	01-01 TO 12-31	0.59 CFS
			126.00 AFY

PLACE OF USE: Irrigation Within Bonneville County
T01N R37E S04 SESW 1.0
1.0 Acres Total

Commercial Within Bonneville County
T01N R37E S04 NESW
S09 NENW NWNW

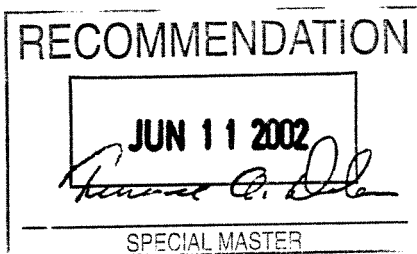
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

AMENDED



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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

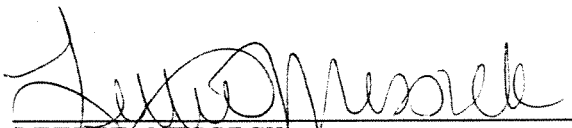
Water Right(s): 35-13315

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 *[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): 35-13315

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

ANDCO LEASING LC
1820 W BROADWAY
IDAHO FALLS, ID 83402

[Signature]

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/11/02