

2002 MAY -1 PM 3: 48
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	)	Subcase 35-07549, 35-07549A (Grover),
	)	35-07549B, 35-13321 (Martin) and
Case No. 39576	)	35-13322 (Martin)
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

Farm Credit Bank of Spokane filed a *Notice of Claim to a Water Right* on April 28, 1989, claiming 3.18 cfs from groundwater to irrigate 180 acres from April 1 to November 1 with a priority date of December 4, 1975, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation & Other Uses, Reporting Area 5, Part 2, Volume One (IDWR Basin 35)* on September 15, 1998. The Director recommended 35-07549 as filed but to Larry and Julie Martin to irrigate 175 acres.

The Twin Falls and North Side Canal Companies filed *Objections* on November 20, 1998, objecting to source, quantity, other provisions and alleging the water right should not exist. However, 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 Proceedings (NCAP)* on November 30, 1998, for a substitution of party and split of 35-07549 into 35-07549A (Sue and Roger Grover, 635 North, 1200 West, Blackfoot, Idaho 83221) and 35-07549B (Bill Martin, 223 North, 900 West, Blackfoot, Idaho 83221). IDWR filed another *NCAP* on March 25, 2002, for a change in point of diversion and split of 35-07549B into 35-13321 (Bill Martin) and 35-13322 (Bill Martin).

Conclusions of Law

1. Sue and Roger Grover are entitled to a partial decree adjudicating a water right under claim 35-07549A as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 35-07549A*, and
2. Bill Martin is entitled to partial decrees adjudicating water rights under claims 35-13321 and 35-13322 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-13321 and 35-13322*.

Recommendations

THEREFORE, IT IS RECOMMENDED that:

1. Claim 35-07549 **not** be adjudicated as a water right the claim having been split into 35-07549 A and 35-07549B, and
2. Claim 35-07549B **not** be adjudicated as a water right the claim having been split into 35-13321 and 35-13322.

DATED May 1, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

ALLS MAY -1 PM 3: 48

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED DM

PAGE 1
May-01-2002

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 35-13321

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
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NAME AND ADDRESS: BILL MARTIN
223 N 900 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 0.36 CFS
80.00 AFY

PRIORITY DATE: 12/04/1975

POINT OF DIVERSION: T02S R34E S05 NWNW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.36 CFS 80.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T01S R34E S31 NESE 20.0
20.0 Acres Total

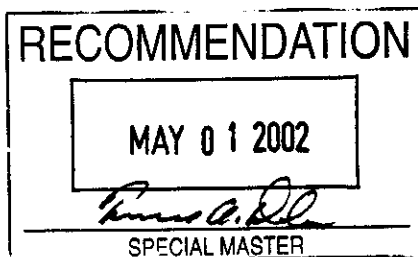
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Roger Burdick
Presiding Judge of the
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 35-13322

2002 MAY -1 PM 3:48

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

NAME AND ADDRESS: BILL MARTIN
223 N 900 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 1.24 CFS
280.00 AFY

PRIORITY DATE: 12/04/1975

POINT OF DIVERSION: T02S R34E S05 NWSENE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.24 CFS 280.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T02S R34E S05 NENW 40.0 SENW 30.0
70.0 Acres Total

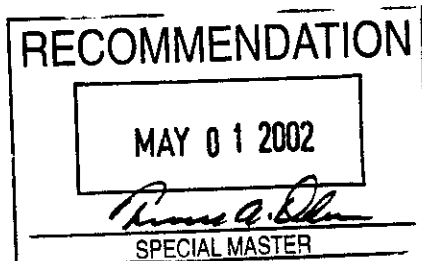
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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Roger Burdick
Presiding Judge of the
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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

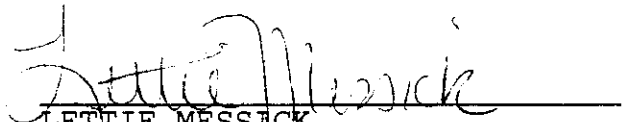
Water Right(s): 35-07549

On May 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 May 01, 2002.


LETTIE MESSICK
Deputy Clerk

2002 MAY -1 PM 3:48

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) : 35-07549

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 May 01, 2002, with sufficient first-class postage prepaid to the following:

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

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER

Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

CERTIFICATE OF MAILING

PAGE 1
05/01/02

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
JULIE ANN MARTIN
LARRY DALE MARTIN
UPPER VALLEY IRRIGATORS ASSOC.

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

FREMONT MADISON IRRIG. DIST.
Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
WAYNE HANSEN

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk

PAGE 2
05/01/02

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DISTRICT COURT-SRBA
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
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RECOMMENDATION

Water Right(s): 35-07549A

On May 01, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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.

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DATED May 01, 2002.

[Signature]

LETTIE MESSICK
Deputy Clerk

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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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-07549A

CERTIFICATE OF MAILING

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

ROGER KIM GROVER
SUE ANN GROVER
635 N 1200 W
BLACKFOOT, ID 83221

Lettie Messick
LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA
Case No. 39576

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RECOMMENDATION

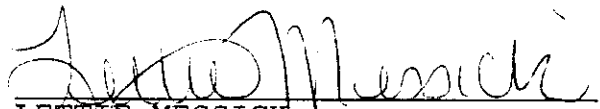
Water Right(s): 35-07549B

On May 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.

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LETTIE MESSICK
Deputy Clerk

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 35-07549B

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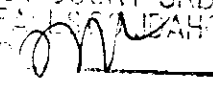
BILL MARTIN
223 N 900 W
BLACKFOOT, ID 83221


LETTIE MESSICK
Deputy Clerk

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NOTICE OF ISSUANCE OF
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Water Right(s): 35-13321

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Case No. 39576)
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CERTIFICATE OF MAILING

Water Right(s): 35-13321

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Deputy Clerk

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PAGE 1
05/01/02

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

In Re SRBA
Case No. 39576

Water Right(s) : 35-13322

Lettie Messick
LETTIE MESSICK
Deputy Clerk

2002 MAY -1 PM 3:49

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *on*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 35-13322

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