

RECEIVED

NOV 14 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 700

2002 NOV 12 PM 2 56

**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

)
) **Subcase 35-13209**
) **(Benson)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

On October 19, 1999, former-Presiding Judge Barry Wood entered an *Order Granting Motion to File Late Notice of Claim* allowing V. Blaine Benson, 2079 West, 1200 North, Blackfoot, Idaho 83221, to file a *Notice of Claim to a Water Right* under claim 35-13209. Mr. Benson claimed .32 cfs from groundwater to irrigate 30.8 acres in Bingham County from April 1 to October 31 with a priority date of July 25, 1978, based on beneficial use.

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims & Misc. Claims* on March 4, 2002. The Director recommended the claim as an enlargement to irrigate 30.8 acres within a 464.8 acre place of use. The Idaho Department of Lands filed an *Objection* on May 3, 2002, objecting to name and address. On November 7, 2002, Mr. Benson, the Idaho Department of Lands and IDWR filed a *Standard Form 5* agreeing to added explanatory material.

Conclusions of Law

V. Blaine Benson is entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 35-13209*.

DATED November 12, 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 100

2002 NOV 12 PM 2 56

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-13209

NAME AND ADDRESS: V BLAINE BENSON
2079 W 1200 N
BLACKFOOT, ID 83221

SOURCE: GROUND WATER

QUANTITY: 0.32 CFS
123.20 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-7277 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.45 CFS.

PRIORITY DATE: 07/25/1978

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T01N R32E S34 NWSWSE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.32 CFS 123.20 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T01N R32E S33	NESE 39.0 NWSE 40.0 SESE 39.0
	S34	NESW 40.0 NWSW 39.0 SWSW 39.0 SESW 39.0 NESE 40.0 NWSE 40.0 SESE 30.8
	464.8 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-7277 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 464.8 ACRES IN A SINGLE
IRRIGATION SEASON.

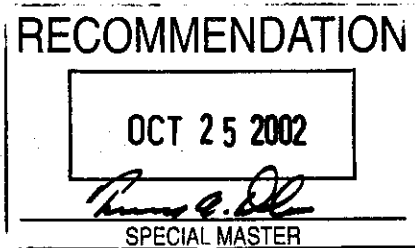
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-7277
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

RECEIVED

NOV 14 2002

Department of Water Resources

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

2002 NOV 12 PM 2 56

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): 35-13209

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 November 12, 2002, with sufficient first-class postage prepaid to the following:

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

IDAHO DEPARTMENT OF LANDS

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

V BLAINE BENSON
2079 W 1200 N
BLACKFOOT, ID 83221
Phone: 208-684-4685

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

PAGE 1
11/12/02

RECEIVED

NOV 14 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 10

2002 NOV 12 PM 2 56

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

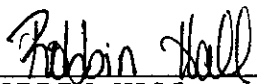
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right(s): 35-13209

On November 12, 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 November 12, 2002.



ROBBIN HALL
Deputy Clerk