

2002 NOV 25 PM 4 08

**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

)
) **41-00001H**
) **(Udy Brothers Partnership)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

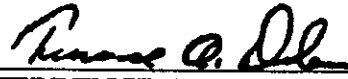
Jeff Allen filed a *Notice of Claim to a Water Right* on February 15, 1990, claiming .7 cfs from the South Fork of Rock Creek to irrigate 54 acres in Power County from March 15 to June 15 with a priority date of April 1, 1880, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 41* on November 2, 1999. The Director recommended the claim to Udy Brothers Partnership, 455 Pierce Street, American Falls, Idaho 83211, for .37 cfs to irrigate 18.5 acres within a 52 acre place of use from April 1 to June 15.

Udy Brothers filed an *Objection* on December 28, 1999, objecting to priority date, period of year. The Director filed an *Amended Director's Report, Subcase No. 41-00001H* on September 14, 2001, recommending the claim for .7 cfs to irrigate 35 acres within a 52 acre place of use from April 1 to June 15. Udy Brothers filed their second *Objection* on October 30, 2001, objecting to source, quantity, point of diversion and period of use. On November 25, 2002, Udy Brothers, respondent James Robinson and IDWR filed a *Standard Form 5* agreeing to the claim as later recommended by IDWR.

Conclusions of Law

Udy Brothers Partnership 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 41-00001H*.

DATED November 25, 2002.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

TWIN FALLS CO., IDAHO

FILED NOV 10 1964

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In Re SRBA) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 41-00001H

NAME AND ADDRESS: UDY BROTHERS PARTNERSHIP
455 PIERCE ST
AMERICAN FALLS, ID 83211

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.70 CFS

PRIORITY DATE: 04/01/1980

POINT OF DIVERSION: T10S R31E S07 NWNWSE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 06-15	0.70 CFS

PLACE OF USE:	Irrigation	Within Power County
	T10S R31E S07	SWNE 27.0
		NWSE 25.0
	52.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

RIGHT NOS. 41-00001G, 41-00001H & 41-00032B ARE SUBJECT TO THE
CONDITIONS OF THE FINAL ORDER IN THE MATTER OF TRANSFER #4651.

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.

RECOMMENDATION

NOV 25 2002

Thomas A. De

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 7th 7th

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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): 41-00001H

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 25, 2002, with sufficient first-class postage prepaid to the following:

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

UDY BROTHERS PARTNERSHIP
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

BENCH DITCH IRRIGATION
JAMES ROBINSON
PO BOX 157
ROCKLAND, ID 83271
Phone: 208-548-2255

CERTIFICATE OF MAILING

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11/25/02

UDY BROTHERS PARTNERSHIP
455 PIERCE
AMERICAN FALLS, ID 83211
Phone: 208-226-7857

UDY BROTHERS PARTNERSHIP
455 PIERCE ST
AMERICAN FALLS, ID 83211
Phone: 208-226-7857



ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 70 10

2002 NOV 25 PM 4 08

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

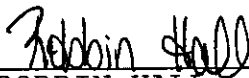
Water Right(s): 41-00001H

On November 25, 2002, Special Master HON. ROGER S. BURDICK 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 25, 2002.



ROBBIN HALL
Deputy Clerk