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OCT 31 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 718

2002 OCT 30 PM 2 59

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 36-04058A
	)	(Robertson)
Case No. 39576	)	
	)	AMENDED SPECIAL MASTER REPORT

Findings of Fact

The Director of IDWR filed his *Director's Report for Reporting Area 2 (Basin 36)* on November 2, 1992. The Director recommended claim 36-04058A to Paul Robertson, 37 North, 500 West, Paul, Idaho 83347, for .7 cfs from groundwater to irrigate 62 acres in Lincoln County from April 1 to October 31 with a priority date of June 1, 1962, based on beneficial use.

On December 4, 1997, former-Presiding Judge Daniel C. Hurlbutt, Jr., entered a *Partial Decree* as recommended by IDWR. On February 12, 1998, Mr. Robertson filed a *Motion to Set Aside Judgments* and on February 23, 1998, Judge Hurlbutt entered an *Order Granting Motion to Set Aside Judgments*.

On April 22, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* for a transfer adding points of diversion. IDWR filed another *NCAP* on August 26, 2002, increasing the recommended quantity from .7 cfs to 1.24 cfs.

A *Special Master Report* was entered on September 30, 2002, but on October 29, 2002, counsel for the claimant contacted the Court to point out errors in the place of use. The attached *Amended Special Master Recommendation* corrects the errors.

Conclusions of Law

Paul Robertson is entitled to a partial decree adjudicating a water right under claim 36-04058A as recommended by IDWR and as described in the attached *Amended Special Master Recommendation for Partial Decree for Water Right 36-04058A*.

DATED October 30, 2002.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", is written over a horizontal line.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA

TWIN FALLS CO., IDAHO

FILED 70

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2002 OCT 30 PM 2 59

In Re SRBA
Case No. 39576

Water Right 36-04058A

NAME AND ADDRESS: PAUL ROBERTSON
37 N 500 W
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 1.24 CFS
248.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 20.05 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4560 AF. COMBINED RIGHT NOS.: 36-07056
36-07690A, 36-11124 AND 36-15363.

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION: T06S R21E S29 SWNW Within Lincoln County
SESW
S30 LOT 11 (SWSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
1.24 CFS
248.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation		Within Lincoln County	
T06S R21E S19	SWSE 40.0		SESE 40.0
S29	NWNW 40.0		SWNW 40.0
	NWSW 40.0		SWSW 40.0
	SESW 40.0		
S30	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
LOT 1	(NENW)40.0	LOT 5	(SWNW)35.0
LOT 6	(SENW)40.0	LOT 7	(NESW)40.0
LOT 8	(NWSW)40.0	LOT 9	(NWSW)12.0
LOT 10	(SWSW)16.0	LOT 11	(SWSW)34.0
LOT 12	(SESW)40.0		NWSE 40.0
	SWSE 40.0		SESE 40.0
S31	NENE 40.0		NWNE 40.0
LOT 1	(NENW)40.0	LOT 2	(NWNW)40.0
LOT 3	(NWNW)16.0	LOT 4	(SWNW)16.0
LOT 5	(SWNW)40.0	LOT 6	(SENW)11.0
S32	NWNW 40.0		
1140.0 Acres Total			

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1140 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07056, 36-07690A,
36-11124 AND 36-15363.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 62 ACRES WITHIN THE

PLACE OF USE (continued)

PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

RECOMMENDATION

OCT 25 2002
Thomas A. DeLo
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

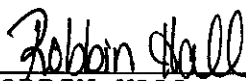
Water Right(s): 36-04058A

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 October 30, 2002, with sufficient first-class postage prepaid to the following:

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

PAUL ROBERTSON
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

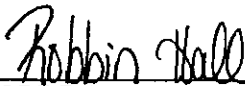
Water Right(s): 36-04058A

On October 30, 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 October 30, 2002.



ROBBIN HALL
Deputy Clerk