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OCT 31 2002

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 701

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

Case No. 39576

) **Subcase 36-07690A**
) **(Robertson)**
)
) **AMENDED 2nd SPECIAL MASTER REPORT**

Findings of Fact

Paul Robertson, 37 North, 500 West, Paul, Idaho 83347, filed a *Notice of Claim to a Water Right* on March 3, 1989, claiming 2.24 cfs from groundwater to irrigate 112 acres in Lincoln County from March 15 to November 15 with a priority date of May 5, 1977, based on a permit. The Director of IDWR filed his *Director's Report for Reporting Area 2 (Basin 36)* on November 2, 1992. The Director recommended the claim as filed.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on April 30, 1993, objecting to points of diversion. On April 3, 1995, Mr. Robertson, the United States and IDWR filed a *Standard Form 5*.

The Special Master submitted a *Special Master Report and Recommendation* on November 7, 1996, and on January 10, 1997, former-Presiding Judge Daniel C. Hurlbutt, Jr., entered an *Order of Partial Decree*. 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*.

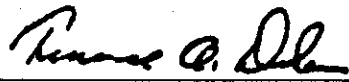
On April 22, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* for a transfer adding points of diversion. The United States filed a *Notice of Concurrence with Notice of Completed Administrative Proceeding* on July 17, 2002. IDWR filed another *NCAP* on August 26, 2002, describing the quantity as 2.24 cfs, the same quantity decreed in 1997.

A 2ND *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 purpose, period and 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 36-07690A as recommended by IDWR and as described in the attached *Amended Special Master Recommendation for Partial Decree for Water Right 36-07690A*.

DATED October 30, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
PARTIAL DECREE AMENDED PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07690A

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

SOURCE: GROUNDWATER

QUANTITY: 2.24 CFS
448.00 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.:
36-04058A, 36-07056, 36-11124 AND 36-15363.

PRIORITY DATE: 04/06/1978

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	2.24 CFS 448.00 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 SUBRODINATED 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.: 36-04058A, 36-07056,
36-11124 AND 36-15363.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112 ACRES WITHIN THE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

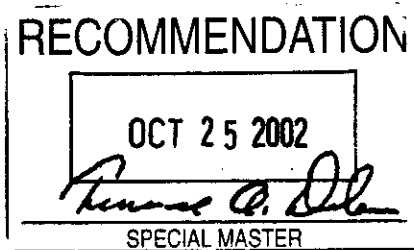
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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)
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)
CERTIFICATE OF MAILING

Water Right(s): 36-07690A

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

STATE OF IDAHO

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

PAUL ROBERTSON

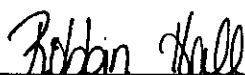
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CERTIFICATE OF MAILING

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10/30/02

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835



ROBBIN HALL
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-07690A

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
ROBBIN HALL
Deputy Clerk