

2005 JUN 2 PM 2 48

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 45-10252      |
|                | ) | (Rodriguez)           |
| Case No. 39576 | ) |                       |
|                | ) | SPECIAL MASTER REPORT |
| _____          | ) |                       |

**Findings of Fact**

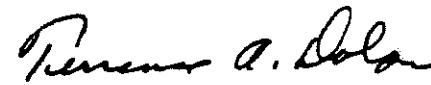
The Director of the Idaho Department of Water Resources filed *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45*, on September 7, 2004. The Director recommended that claim 45-10252, filed by Julio and Amalia Rodriguez, 636 East, 100 North, Rupert, Idaho, 83350, be disallowed: "No beneficial use found."

Mr. Rodriguez filed an *Objection* on September 8, 2004, objecting to source, quantity, priority date, purpose of use, period of year and alleging the water right should have been recommended as described in his *Objection*. On June 1, 2005, Mr. Rodriguez and IDWR filed a *Standard Form 5* agreeing to .22 cfs from groundwater for year-'round stockwater and domestic uses in Cassia County with a priority date of December 31, 1915, based on beneficial use.

**Conclusions of Law**

Julio and Amalia Rodriguez are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-10252*.

DATED June 2, 2005.

  
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

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 45-10252

2005 JUN 2 PM 2 48

NAME AND ADDRESS: AMALIA R RODRIGUEZ  
JULIO G RODRIGUEZ  
636 E 100 N  
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 0.22 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 12/31/1915

POINT OF DIVERSION: T09S R25E S20 NENE Within Cassia County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Stockwater     | 01-01 TO 12-31 | 0.22 CFS |
|                | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

|               |               |                      |
|---------------|---------------|----------------------|
| PLACE OF USE: | Stockwater    | Within Cassia County |
|               | T09S R25E S20 | NENE                 |
|               | Domestic      | Within Cassia County |
|               | T09S R25E S20 | NENE                 |

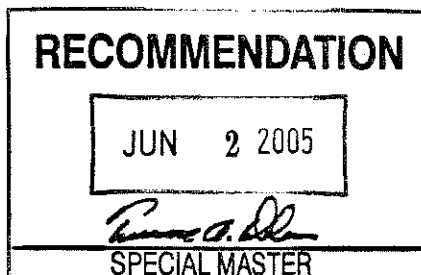
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a  
determination of historical beneficial use.

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

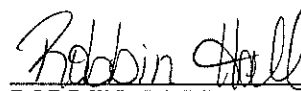
Water Right(s): 45-10252

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 June 02, 2005, with sufficient first-class postage prepaid to the following:

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

AMALIA R RODRIGUEZ  
JULIO G RODRIGUEZ  
636 E 100 N  
RUPERT, ID 83350  
Phone: 208-436-0427

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

CERTIFICATE OF MAILING

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06/02/05



DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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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 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

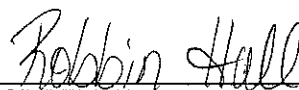
Water Right(s): 45-10252

On June 02, 2005, 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 June 02, 2005.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk



2005 JUN 02 AM 10:18  
DISTRICT COURT - SRBA  
TWIN FALLS CO., 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     | ) | ORDER VACATING       |
|                | ) | INITIAL HEARING      |
| Case No. 39576 | ) |                      |
| _____          | ) | SUBCASE NO: 45-10252 |

All parties to the above subcase(s) executed and filed a Stipulation/Standard Form 5 for the above water right(s). Since all parties to the above subcase(s) have reached an agreement as to all elements of the above water right(s) as set forth in the Stipulation/Standard Form 5, IT IS ORDERED that the INITIAL HEARING set for TUESDAY, JULY 12, 2005 at 04:45 PM, is vacated.

IT IS SO ORDERED.

Dated: JUNE 02, 2005

/S/ TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER VACATING  
INITIAL HEARING was mailed on JUNE 02, 2005,  
with sufficient first-class postage to the following:

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

AMALIA R RODRIGUEZ  
JULIO G RODRIGUEZ  
636 E 100 N  
RUPERT, ID 83350  
Phone: 208-436-0427