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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2005 OCT 4 PM 3 39

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) Subcases 45-280, 45-295 and 45-322
Case No. 39576) (Robinson)
_____)
SPECIAL MASTER REPORT

Findings of Fact

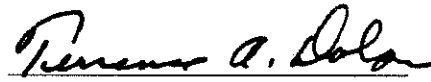
Ray Robinson, 506 East, 500 South, Burley, Idaho, 83318, filed *Notices of Claims to Water Rights* in the above subcases on May 25, 1989, claiming between .4 cfs and 3.2 cfs from Howell Creek for domestic and irrigation uses covering between 80 and 160 acres in Cassia County from March 15 to November 15 with priority dates between March 1, 1878, and March 31, 1883, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the claims as filed, but for stockwater and irrigation from April 1 to October 31.

Earl Warthen filed an *Objection* on January 3, 2005, alleging the water rights should not exist. On September 27, 2005, Mr. Warthen and IDWR filed a *Stipulation to Dismiss Objection* in the subcases.

Conclusions of Law

Ray Robinson is entitled to partial decrees adjudicating water rights under claims 45-280, 45-295 and 45-322 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-280, 45-295 and 45-322*.

DATED October 4, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

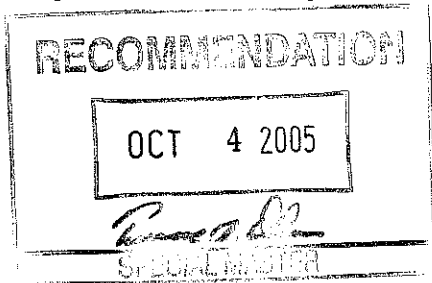
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Sep-29-2005

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

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

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-00295

NAME AND ADDRESS: RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

SOURCE: HOWELL CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.20 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.

PRIORITY DATE: 03/31/1883

POINT OF DIVERSION: T12S R25E S05 NWSESE Within Cassia County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS
	Stockwater	04-01 TO 10-31	0.03 CFS

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Cassia County
T12S R25E S05 LOT 1 (NENE) 39.0 LOT 2 (NWNE) 39.0
SWNE 40.0 SENE 40.0
NESE 40.0 NWSE 40.0
SWSE 36.0
274.0 Acres Total

Stockwater Within Cassia County
Same as Irrigation

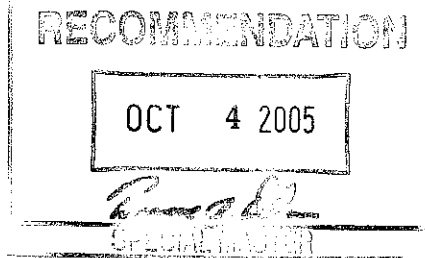
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 274 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



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

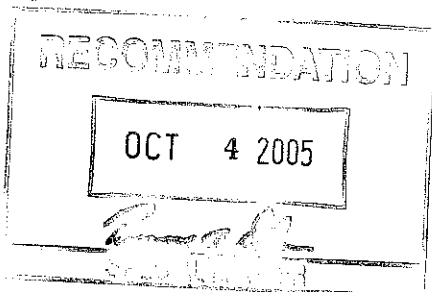
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

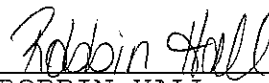
Water Right(s): 45-00280
45-00295 45-00322

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 04, 2005, with sufficient first-class postage prepaid to the following:

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

RAY ROBINSON
506 E 500 S
BURLEY, ID 83318
Phone: 208-678-3813



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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10/04/05

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 45-00280
45-00295 45-00322

On October 04, 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 October 04, 2005.



ROBBIN HALL
Deputy Clerk