

RECEIVED DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
APR 3 2006 FILED
DEPARTMENT OF WATER RESOURCES 2006 MAR 31 PM 2 55

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 45-92B
Case No. 39576) (Robinson)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

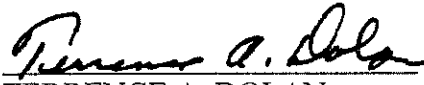
The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended claim 45-92B to Howard and Karen Robinson, 2288 Williamsburg Circle, West Jordan, Utah, 84084, for 2 cfs from Critchfield Springs to irrigate 40 acres within a 169 acre place of use in Cassia County from March 15 to November 15 with a priority date of May 4, 1881, based on a decree.

Claim 45-92B was not contested but was identified by IDWR as overlapping contested claims 45-77AA, *et al.* (Birch Creek Water Users Association). Those contested claims were reported and recommended by the Special Master on March 22, 2006, for adjudication.

Conclusions of Law

Howard and Karen Robinson are entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 45-92B*.

DATED March 31, 2006.


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
TWIN FALLS CO., IDAHO

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-00092B

FILED
2006 MAR 31 PM 2 55

NAME AND ADDRESS: HOWARD ROBINSON
KAREN ROBINSON
2288 WILLIAMSBURG CIRCLE
WEST JORDAN, UT 84084

SOURCE: CRITCHFIELD SPRINGS TRIBUTARY: BIRCH CREEK

QUANTITY: 2.00 CFS

The amount of water diverted under this water right may not exceed 33.3% or 1/3 of the stream flow of Critchfield Springs at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

PRIORITY DATE: 05/04/1881

POINT OF DIVERSION: T14S R22E S14 SESESE (Rediversion) Within Cassia County
T15S R23E S28 NWNWSE (Injection)
S33 SWSWNW

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO BIRCH CREEK AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT FROM BIRCH CREEK AT THE POINT OF REDIVERSION DESCRIBED ABOVE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.00 CFS

PLACE OF USE:

Irrigation	Within Cassia County
T14S R22E S03	SWNW 26.0 NESW 36.0 SESW 36.0
	SENW 40.0 NWSW 31.0
169.0 Acres Total	

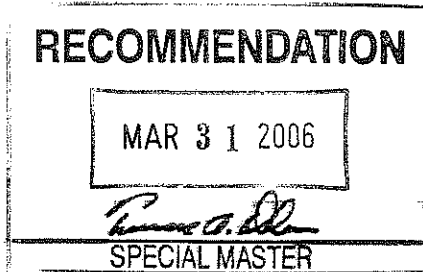
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 169 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-78U, 45-79U, 45-88, 45-92B, & 45-10598. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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)
_____)

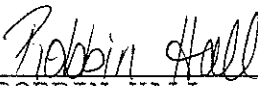
Water Right(s): 45-00092B

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 March 31, 2006, with sufficient first-class postage prepaid to the following:

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

HOWARD ROBINSON
KAREN ROBINSON
2288 WILLIAMSBURG CIRCLE
WEST JORDAN, UT 84084
Phone: 801-450-0126



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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03/31/06

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

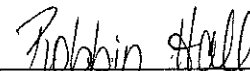
Water Right(s): 45-00092B

On March 31, 2006, 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 March 31, 2006.



ROBBIN HALL
Deputy Clerk