

DISTRICT OF THE
TWIN FALLS CO., IDAHO
TWIN FALLS, IDAHO

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TWIN FALLS CO., IDAHO
TWIN FALLS, IDAHO

Case No. 39576

**FOR WATER RIGHTS: 37-4037,
37-4037A AND 37-4037B**

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-4037 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-4037 into assigned split right numbers 37-4037A and 37-4037B. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

The elements of this water right as stipulated to in the *Standard Form 5* differ from the original *Directors Report* for 37-4037 to accommodate the division of the right. The legal description was changed to reflect the legal descriptions which accompany each of the new split rights.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-4037 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-4037A and 37-4037B be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: March 31, 2008.

BRIGETTE BILYEU
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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-04037A

2008 MAR 31 PM 3:55
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GERALD E ROBBINS
JERI ANN ROBBINS
5001 E MAIN ST #1127
MESA, AZ 85205-1306

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.05 CFS

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/01/1965

POINT OF DIVERSION: T06S R13E S21 LOT 3 (NESWSE) Within Gooding County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.05 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T06S R13E S21 LOT 3 (SWSE) 2.5 2.5 Acres Total	
	Stockwater	Within Gooding County
	T06S R13E S21 LOT 3 (SWSE)	
	Domestic	Within Gooding County
	T06S R13E S21 LOT 3 (SWSE)	

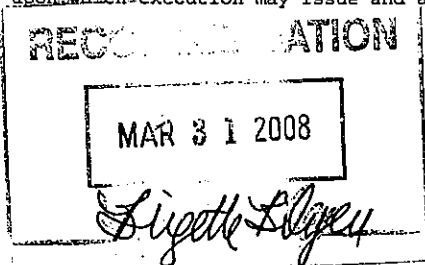
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
use and stockwater use 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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-04037B

2008 MAR 31 PM 3:55

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GERALD E ROBBINS
JERI ANN ROBBINS
5001 E MAIN ST #1127
MESA, AZ 85205-1306

SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 08/01/1965

POINT OF DIVERSION: T06S R13E S21 LOT 3 (SWSE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.10 CFS

PLACE OF USE: Irrigation Within Gooding County
T06S R13E S21 LOT 3 (SWSE) 2.5
2.5 Acres Total

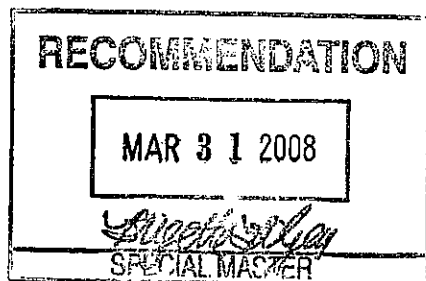
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



2008 MAR 31 PM 3:55

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

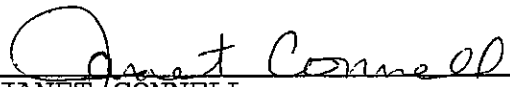
Water Right(s): 37-04037
37-04037A 37-04037B

On March 31, 2008, Special Master BRIGETTE BILYEU 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, 2008.


JANET CONNELL
Deputy Clerk

2008 MAR 31 PM 3: 55

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 37-04037
37-04037A 37-04037B

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, 2008, with sufficient first-class postage prepaid to the following:

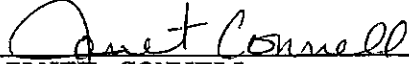
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LEO E RAY
4647 RIVER RD
BUHL, ID 83316
Phone: 208-837-6114

GERALD E ROBBINS
JERI ANN ROBBINS
5001 E MAIN ST #1127
MESA, AZ 85205-1306
Phone: 480-325-5701

PETER A BOWLER
555 RIVER ROAD #E
BLISS, ID 83314
Phone: 208-837-6436

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 03/31/08
Deputy Clerk