

RECEIVED

APR 09 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR - 8 2010	
By _____	Clerk
_____	Deputy Clerk

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32403
and 63-32412

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 20, 2007, the claimants of the water rights, Judy Groothius and Marion Groothius, through their attorney Carl J. Withroe, filed an objection to the *Director's Report*. On March 26, 2010, the claimants withdrew their objection.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-32403 and 63-32412 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

April 8, 2010

Theodore R. Booth

Theodore R. Booth
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 63-32403

NAME AND ADDRESS: JUDY L GROOTHUIS
MARION D GROOTHUIS
3490 N SADDLEMAN PL
EAGLE, ID 83616

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.13 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-32412 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .13 CFS.
Rights 63-32403, 63-31738, 63-32404, 63-32405, 63-32407,
63-32408, 63-32637, 63-32638, 63-32707, 63-32708, 63-32709,
63-32710, 63-33243, 63-33244, 63-32412, 63-31740, 63-32413,
63-32414, 63-32416, 63-32417, 63-32639, 63-32640, 63-32712,
63-32713, 63-32714, 63-32715, 63-33246 and 63-33247 when combined
shall not exceed a total diversion rate of 2.78 cfs, and the
irrigation of 139 acres.

PRIORITY DATE: 09/13/1874

POINT OF DIVERSION: T05N R02E S31 SESENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.13 CFS

PLACE OF USE:	Irrigation	Within Ada County
	T05N R02E S31	SWNE 3.3
	6.2 Acres Total	SENE 2.9

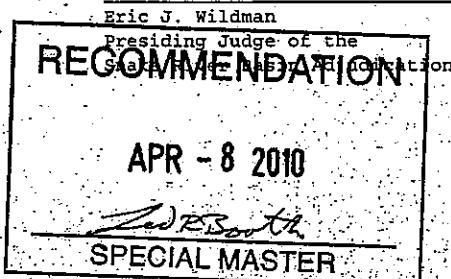
USE OF THIS RIGHT WITH RIGHT NO. 63-32412 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 6.2 ACRES IN A SINGLE
IRRIGATION SEASON.

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.



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 63-32412

NAME AND ADDRESS: JUDY L. GROOTHUIS
MARION D. GROOTHUIS
3490 N SADDLEMAN PL
EAGLE, ID 83616

SOURCE: GROUND WATER

QUANTITY: 0.07 CFS
27.90 AFY

USE OF THIS RIGHT WITH RIGHT NO. 63-32403 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .13 CFS.
Rights 63-32403, 63-31738, 63-32404, 63-32405, 63-32407,
63-32408, 63-32637, 63-32638, 63-32707, 63-32708, 63-32709,
63-32710, 63-33243, 63-33244, 63-32412, 63-31740, 63-32413,
63-32414, 63-32416, 63-32417, 63-32639, 63-32640, 63-32712,
63-32713, 63-32714, 63-32715, 63-33246 and 63-33247 when combined
shall not exceed a total diversion rate of 2.78 cfs, and the
irrigation of 139 acres.

PRIORITY DATE: 07/14/1959

POINT OF DIVERSION: T05N R02E S31 SENWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	0.07 CFS 27.90 AFY

PLACE OF USE:	Irrigation	Within Ada County
	T05N R02E S31 6.2 Acres Total	SWNE 3.3 SENW 2.9

USE OF THIS RIGHT WITH RIGHT NO. 63-32403 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 6.2 ACRES IN A SINGLE
IRRIGATION SEASON.

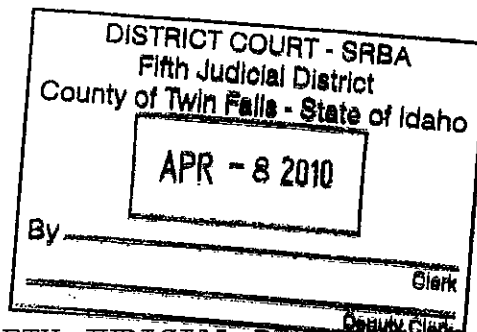
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

RECOMMENDATION

APR - 8 2010

David B. Booth
SPECIAL MASTER



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

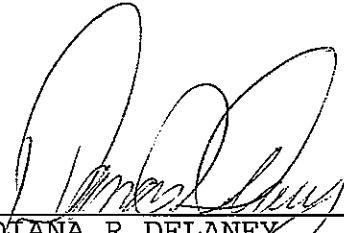
Water Right(s): 63-32403
63-32412

On April 08, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

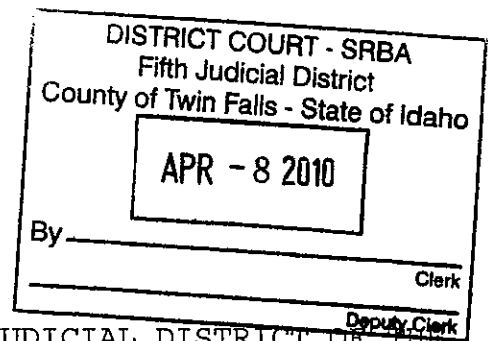
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 08, 2010.



DIANA R DELANEY
Deputy Clerk



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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-32403
63-32412

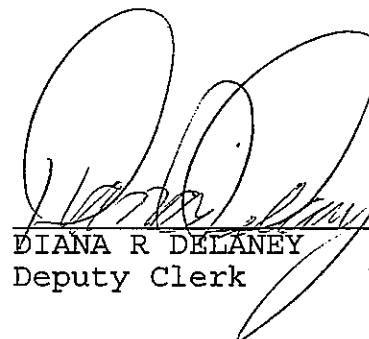
CERTIFICATE OF MAILING

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 April 08, 2010, with sufficient first-class postage prepaid to the following:

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

JUDY L GROOTHUIS
MARION D & JUDY L GROOTHUIS
MARION D GROOTHUIS

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/08/10