

RECEIVED
JAN 07 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 06 2011	
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	) Subcase 02-10192
	) (Brandt)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	)

Findings of Fact

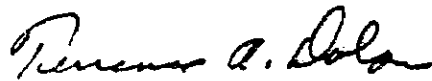
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to Donald, Joan and Marilyn Brandt, 203 11th Avenue S., Nampa, Idaho, 83651, for 8.57 cfs from the Snake River to irrigate 468 acres in Canyon County from March 15 to November 15 with a priority date of March 26, 1963, based on a license.

Farm Development Corporation filed an *Objection* on December 5, 2007, objecting to quantity and period of year. IDWR filed a *Supplemental Director's Report* on February 26, 2010, and on December 30, 2010, the claimants and objector, with IDWR's concurrence, filed a *Standard Form 5*.

Conclusions of Law

The Brandts 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 02-10192*.

DATED January 6, 2011.



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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10192

NAME AND ADDRESS: DONALD K BRANDT
JOAN M BRANDT
MARILYN I BRANDT
203 11TH AVE S
NAMPA, ID 83651

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.57 CFS
2070.00 AFY

PRIORITY DATE: 03/26/1963

POINT OF DIVERSION: T01N R03W S16 NWNW Within Canyon County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 8.57 CFS
2070.00 AFY

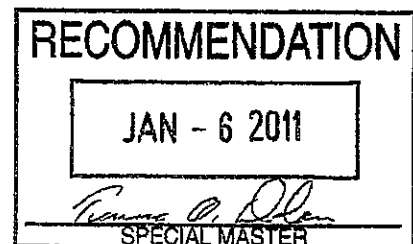
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated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

PLACE OF USE: Irrigation Within Canyon County
T02N R03W S19 SESE 20.0 SWSE 32.0
SESE 3.0
S29 NWNW 14.0 SWNW 5.0
S30 NENE 39.0 NWNE 39.0
SWNE 39.0 SENE 35.0
NENW 40.0 LOT 1 (NWNW) 19.0
LOT 2 (SWNW) 36.0 SENW 40.0
NESW 39.0 LOT 3 (NWSW) 12.0
SESE 9.0 NESE 5.0
NWSE 32.0 SWSE 5.0
R04W S25 SENE 5.0
468.0 Acres Total

This right authorizes the irrigation of 468 total acres.

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).



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 06 2011	
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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 02-10192

On January 06, 2011, 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.

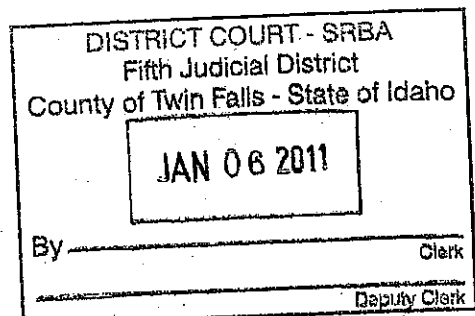
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 January 06, 2011.



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): 02-10192

CERTIFICATE OF MAILING

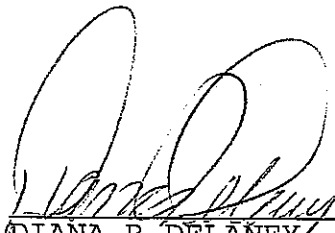
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 06, 2011, with sufficient first-class postage prepaid to the following:

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

FARM DEVELOPMENT CORP
Represented by:
JOHN M MARSHALL
575 W BANNOCK ST, SUITE B
BOISE, ID 83702
Phone: 208-991-2701

DONALD K BRANDT
JOAN M BRANDT
MARILYN I BRANDT
203 11TH AVE S
NAMPA, ID 83651
Phone: 208-466-7821

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
01/06/11