

RECEIVED
AUG 22 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 19 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 35-2670B
	)	(Murdock)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation & Other Uses, Reporting Area 5, Part 2 (IDWR Basin 35)* on September 15, 1998. The Director recommended the claim to Steven Murdock, 1050 W. Highway 39, Blackfoot, Idaho, 83221, and Ronald Murdock, 1065 West, 125 North, Blackfoot, Idaho, 83221, for .64 cfs from groundwater to irrigate 32 acres from April 1 to November 1 with a priority date of June 22, 1961, based on a license. Steven Murdock filed an amended *Notice of Claim* in the subcase on December 29, 1998, to correct the place of use.

The Twin Falls and North Side Canal Companies filed *Objections* on November 20, 1998, objecting to source, quantity, other provisions and alleging the water right should not exist. The Aberdeen-Springfield Canal Company was granted leave to file a late *Objection* on October 23, 2001, and the subcase was consolidated under lead subcase 35-2315.

On August 9, 2011, counsel for IDWR reported the following in subcase 00-92020 ("Rec/Rec"):

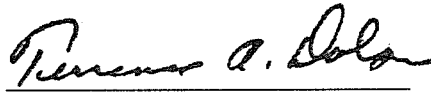
I provided the proposed amended director's reports to the parties for their review on May 27, 2011. After their review, the parties stipulated to the elements of the water rights as described in the proposed amended director's reports during the August 3, 2100, status conference. Accordingly, these water rights are ready to move forward to Special Master Reports & Recommendations as described in the attached proposed amended director's reports.

The attached proposed amended director's reports referenced above included 35-2670B.

Conclusions of Law

The Murdocks 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 35-2670B*.

DATED August 19, 2011.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is fluid and cursive, with the first name being more prominent.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-02670B

NAME AND ADDRESS: STEVEN MURDOCK
1050 W HWY 39
BLACKFOOT, ID 83221

RONALD MURDOCK
1065 W 125 N
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY: 0.68 CFS
119.00 AFY

PRIORITY DATE: 06/22/1961

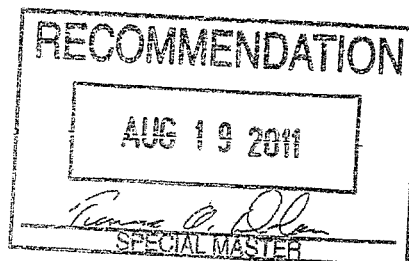
POINT OF DIVERSION: T02S R34E S32 LOT 3 (SESW) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.68 CFS
			119.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T02S R34E S32 NESW 1.5 LOT 3 (SESW) 32.6
34.1 Acres Total

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

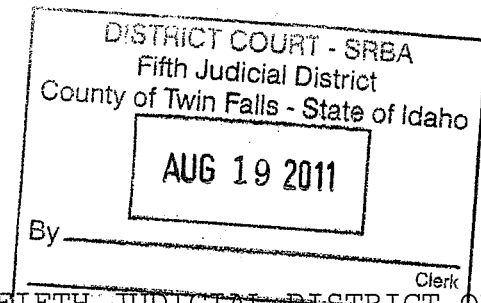
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).



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.

Eric J. Wildman
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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

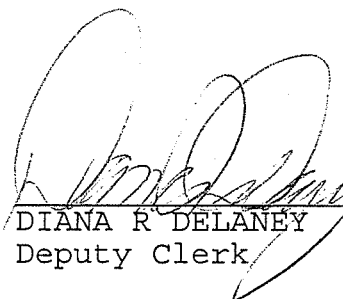
Water Right(s): 35-02670B

On August 19, 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.

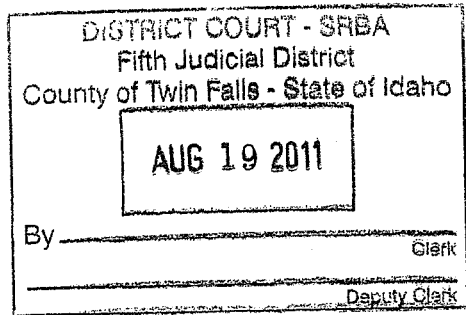
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 August 19, 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): 35-02670B

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 August 19, 2011, with sufficient first-class postage prepaid to the following:

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

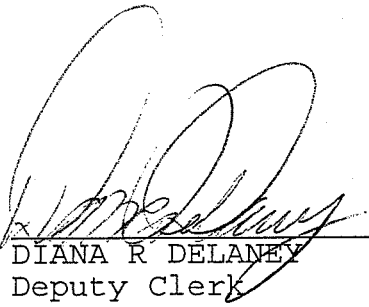
STEVEN MURDOCK
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ABERDEEN-SPRINGFIELD
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CERTIFICATE OF MAILING

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08/19/11

RONALD MURDOCK
1065 W 125 N
BLACKFOOT, ID 83221
Phone: 208-684-4749



DIANA R DELANEY
Deputy Clerk