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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 1 2012	
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 35-7728:
	)	35-13463 (Duffin)
	)	35-13464 (Poulson)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-7728 to John R. Duffin for 3.16 cfs from groundwater to irrigate 181 acres in Bingham County from April 1 to October 31 with a priority date of July 11, 1977, based on a license.

The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity and other provisions. The subcase was consolidated with other Basin 35 subcases involving the Twin Falls and North Side Canal Company *Objections* under consolidated subcase 35-2315 on October 23, 2001 – the same date and the Aberdeen-Springfield Canal Company was granted leave to file late *Objections*.

IDWR filed *Notices of Completed Administrative Proceedings* on August 4, 2003, and May 22, 2009, splitting 35-7728 into 35-13463 (Eric and Melanie Duffin, 10833 Paintbrush Lane, Pocatello, Idaho, 83202-5053) and 35-13464 (Scott and Dianne Poulson, 2831 West, 1500 South, Aberdeen, Idaho, 83210).

The Twin Falls and North Side Canal Company *Objections* were dismissed on August 27, 2001, and on January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

Conclusions of Law

1. None of the parties are entitled to a partial decree for claim 35-7728 because of the split:
and
2. The Duffins and Poulsons are entitled to partial decrees as described in the *NCAPs* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-13463 and 35-13464*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-7728 be **disallowed**.

DATED February 1, 2012.



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 35-13463

NAME AND ADDRESS: ERIC DUFFIN
MELANIE Z DUFFIN
10833 PAINTBRUSH LN
POCATELLO, ID 83202-5053

SOURCE: GROUNDWATER

QUANTITY: 2.50 CFS
572.00 AFY

PRIORITY DATE: 07/11/1977

POINT OF DIVERSION: T05S R31E S21 NESWNW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.50 CFS
			572.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T05S R31E S21	NENW 40.0 NWNW 38.0 SWNW 36.0 SENW 25.0 NESW 4.0
	143.0 Acres Total	

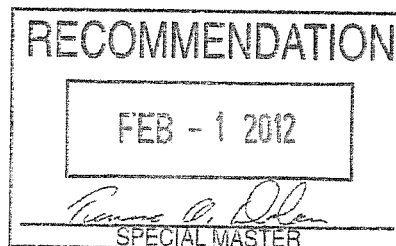
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-13464

NAME AND ADDRESS: DIANNE S POULSON
SCOTT E POULSON
2831 W 1500 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.66 CFS
152.00 AFY

PRIORITY DATE: 07/11/1977

POINT OF DIVERSION: T05S R31E S16 SESW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.66 CFS
			152.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T05S R31E S16 SESW 38.0
38.0 Acres Total

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

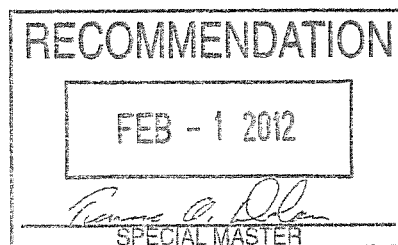
THE RIGHT HOLDER SHALL MAKE FULL BENEFICIAL USE OF ALL SURFACE WATER RIGHTS AVAILABLE TO THE RIGHT HOLDER FOR IRRIGATION OF THE LANDS AUTHORIZED TO BE IRRIGATED UNDER THIS RIGHT. THE RIGHT HOLDER SHALL LIMIT THE DIVERSION OF GROUND WATER UNDER THIS RIGHT TO THOSE TIMES WHEN THE SURFACE WATER SUPPLY IS NOT AVAILABLE OR THE SURFACE WATER SUPPLY IS NOT REASONABLE SUFFICIENT TO IRRIGATE THE PLACE OF USE AUTHORIZED UNDER THIS 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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 1 2012	
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

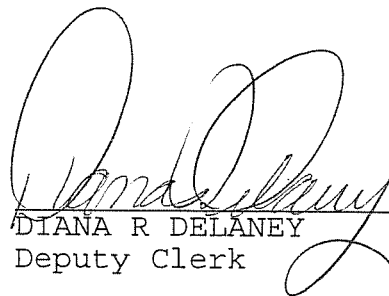
Water Right(s): 35-07728
35-13463 35-13464

On February 01, 2012, 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 February 01, 2012.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 1 2012	
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07728
35-13463 35-13464

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 February 01, 2012, with sufficient first-class postage prepaid to the following:

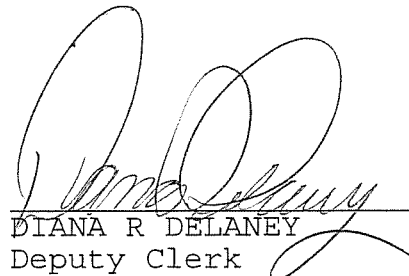
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ERIC DUFFIN
MELANIE Z DUFFIN
10833 PAINTBRUSH LN
POCATELLO, ID 83202-5053

JOHN R DUFFIN
1436 S 2750 W
ABERDEEN, ID 83210
Phone: 208-397-4076

DIANNE S POULSON
SCOTT E POULSON
2831 W 1500 S
ABERDEEN, ID 83210

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
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