

RECEIVED

FEB 14 2012

DEPARTMENT OF  
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| FEB 13 2012                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

|                |   |                                    |
|----------------|---|------------------------------------|
| In Re SRBA     | ) | Subcase 35-38F, et al.             |
|                | ) | (see attached list of 84 subcases) |
| 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 and Other Uses, Reporting Area 5, Part 2 (IDWR Basin 35)* on September 15, 1998. The Director recommended the above claims for between .06 cfs and 5.07 cfs from groundwater and one creek for stockwater use and to irrigate between 9 acres and 339 acres in Bingham and Power Counties with priority dates between April 30, 1885, and April 1, 1987, based on licenses, decrees or beneficial use.

The Twin Falls and North Side Canal Companies filed *Objections* on November 20, 1998, objecting to source, quantity and other provisions and alleging the water right should not exist. On August 30, 1999, the subcase was consolidated with other Basin 35 subcases involving Twin Falls and North Side Canal Company *Objections*.

On August 27, 2001, the Twin Falls and North Side Canal Company *Objections* were dismissed and the Aberdeen-Springfield Canal Company was granted leave to file a late *Objection* on October 23, 2001. On January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

### Conclusions of Law

The claimants are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED February 13, 2012.



TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

35-38F ET AL

Subcase Nos:

|           |           |
|-----------|-----------|
| 35-00038F | 35-07494  |
| 35-02049  | 35-07507  |
| 35-02072  | 35-07519  |
| 35-02073  | 35-07530  |
| 35-02100  | 35-07592  |
| 35-02116  | 35-07618  |
| 35-02154  | 35-07621  |
| 35-02167B | 35-07627  |
| 35-02167D | 35-07643A |
| 35-02167E | 35-07647  |
| 35-02167F | 35-07680  |
| 35-02226  | 35-07696  |
| 35-02271  | 35-07722  |
| 35-02298  | 35-07729  |
| 35-02308A | 35-07732  |
| 35-02339  | 35-07737  |
| 35-02370  | 35-07756  |
| 35-02387A | 35-07760  |
| 35-02406  | 35-07762  |
| 35-02498  | 35-07790  |
| 35-02504A | 35-07820  |
| 35-02525  | 35-07890  |
| 35-02647A | 35-07903A |
| 35-02712  | 35-07903B |
| 35-02824  | 35-07945  |
| 35-02917A | 35-07948  |
| 35-02917B | 35-08054  |
| 35-04034A | 35-08602  |
| 35-04034B | 35-10318  |
| 35-04039  | 35-10653  |
| 35-04093  | 35-10843  |
| 35-04095  | 35-12088  |
| 35-04113  | 35-12248  |
| 35-04164  | 35-13073  |
| 35-04183  |           |
| 35-04221  |           |
| 35-07012B |           |
| 35-07022  |           |
| 35-07102  |           |
| 35-07145  |           |
| 35-07146  |           |
| 35-07164A |           |
| 35-07191  |           |
| 35-07231  |           |
| 35-07267A |           |
| 35-07267B |           |
| 35-07393  |           |
| 35-07450  |           |
| 35-07453A |           |
| 35-07453B |           |

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 35-02824

NAME AND ADDRESS: FRANK & SHIRLEY DROGHEI  
LIVING TRUST  
467 S 1600 W  
PINGREE, ID 83262

SOURCE: GROUNDWATER

QUANTITY: 2.14 CFS  
440.00 AFY

PRIORITY DATE: 08/28/1961

POINT OF DIVERSION: T03S R33E S29 NENWSE Within Bingham County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 04-01 TO 11-01 | 2.14 CFS<br>440.00 AFY |

| PLACE OF USE: | Irrigation        |           | Within Bingham County |
|---------------|-------------------|-----------|-----------------------|
|               | T03S R33E S28     | NWSW 35.0 | SWSW 35.0             |
|               | S29               | NESE 33.0 | NWSE 18.0             |
|               | 121.0 Acres Total |           |                       |

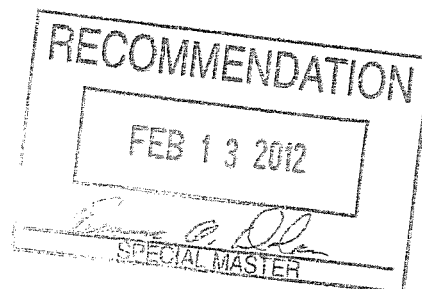
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



|                                       |       |
|---------------------------------------|-------|
| DISTRICT COURT - SRBA                 |       |
| Fifth Judicial District               |       |
| County of Twin Falls - State of Idaho |       |
| FEB 13 2012                           |       |
| By _____                              | 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

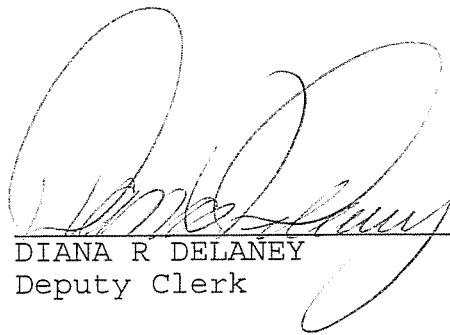
Water Right(s): 35-02824

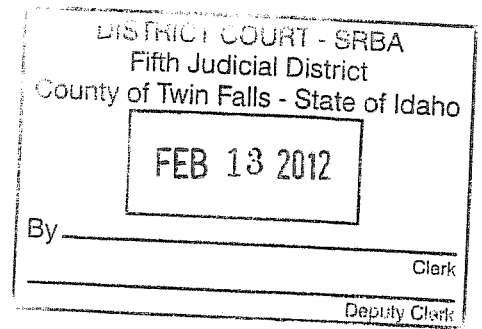
On February 13, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 13, 2012.

  
\_\_\_\_\_  
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

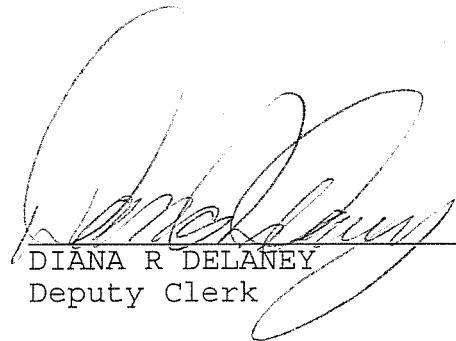
Water Right(s) : 35-02824

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 13, 2012, with sufficient first-class postage prepaid to the following:

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

FRANK & SHIRLEY DROGHEI  
LIVING TRUST  
467 S 1600 W  
PINGREE, ID 83262  
Phone: 208-684-4169

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk