

RECEIVED
FEB 27 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 24 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	)	Subcases 41-42, 41-47 and 41-10285
	)	(Roper)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

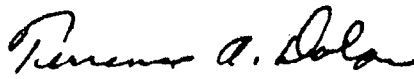
On July 7, 2004, Lance and Katrina Roper, 3822 Rock Creek Road, American Falls, Idaho, 83211, were granted leave to file late notices of claims 41-42 and 41-47. The Director of the Idaho Department of Water Resources filed his *Part 1 Director's Report for Late Claims, Irrigation & Misc. Claims* on April 27, 2007. The Director recommended claims 41-42 and 41-47 be disallowed: "Forfeited / abandoned" and "No lawful appropriation shown."

The Ropers filed *Objections* on July 6, 2007, alleging the claims should be recommended as filed. On February 22, 2012, the Ropers, with IDWR's concurrence, filed *Standard Forms 5* in subcase 41-42 "(formerly disallowed and now recommended as rights 41-42 and 41-10285)" and 41-47 "(formerly disallowed)."

Conclusions of Law

The Ropers are entitled to partial decrees adjudicating water rights in subcases 41-42, 41-47 and 41-10285 as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED February 24, 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 41-00042

NAME AND ADDRESS: KATRINA ROPER
LANCE ROPER
3822 ROCK CREEK RD
AMERICAN FALLS, ID 83211

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.90 CFS

The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by In Re Houtz et al (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a transfer pursuant to I.C. Section 42-22.

PRIORITY DATE: 09/15/1882

POINT OF DIVERSION: T09S R30E S15 NESE Within Power County

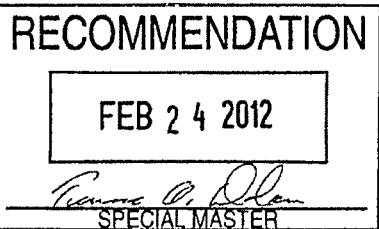
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 05-31	3.90 CFS
	Irrigation	09-01 TO 10-31	3.90 CFS

PLACE OF USE:	Irrigation		Within Power County
	T09S R30E S10	SWSW 20.0	SESW 8.0
	S15	NENE 3.7	NWNE 31.0
		SWNE 33.0	SENE 29.0
		NENW 36.4	NWNW 29.1
		SENE 5.2	
	195.4 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 195.4 acres in a single irrigation season. Combined Right Nos.: 41-41A, 41-42, 41-47, 41-2024, 41-10264 and 41-10285.

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).



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 41-00047
)

NAME AND ADDRESS: KATRINA ROPER
LANCE ROPER
3822 ROCK CREEK RD
AMERICAN FALLS, ID 83211

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.00 CFS

The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by In Re Houtz et al (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a transfer pursuant to I.C. Section 42-22.

PRIORITY DATE: 09/15/1882

POINT OF DIVERSION: T09S R30E S15 NESE Within Power County

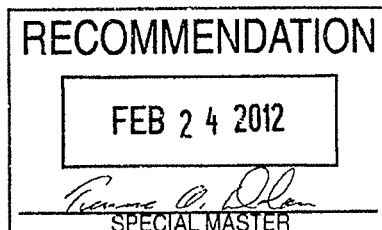
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	06-01 TO 08-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Power County
T09S R30E S10	SWSW 20.0	SESW 8.0
S15	NENE 3.7	NWNE 31.0
	SWNE 33.0	SENE 29.0
	NENW 36.4	NWNW 29.1
	SENE 5.2	
	195.4 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 195.4 acres in a single irrigation season. Combined Right Nos.: 41-41A, 41-42, 41-47, 41-2024, 41-10264 and 41-10285.

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).



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 41-10285

NAME AND ADDRESS: KATRINA ROPER
LANCE ROPER
3822 ROCK CREEK RD
AMERICAN FALLS, ID 83211

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.90 CFS

The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by In Re Houtz et al (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a transfer pursuant to I.C. Section 42-22.

PRIORITY DATE: 09/15/1882

POINT OF DIVERSION: T09S R30E S15 NESE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	06-01 TO 08-31	2.90 CFS

PLACE OF USE:	Irrigation		Within Power County
	T09S R30E S10	SWSW 20.0	SESW 8.0
	S15	NENE 3.7	NWNE 31.0
		SWNE 33.0	SENE 29.0
		NENW 36.4	NWNW 29.1
		SENE 5.2	
	195.4 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 195.4 acres in a single irrigation season. Combined Right Nos.: 41-41A, 41-42, 41-47, 41-2024, 41-10264 and 41-10285.

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

FEB 24 2012

Thomas P. Olson
SPECIAL MASTER

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 24 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

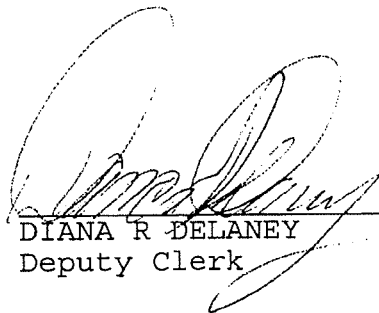
Water Right(s): 41-00042
41-00047 41-10285

On February 24, 2012, Special Master ERIC J WILDMAN 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 24, 2012.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho FEB 24 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

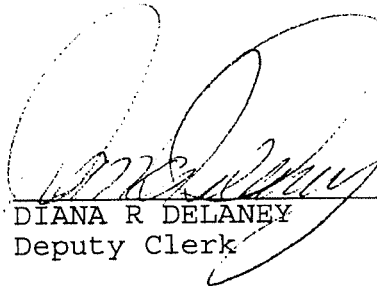
Water Right(s): 41-00042
 41-00047 41-10285

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 24, 2012, with sufficient first-class postage prepaid to the following:

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

KATRINA ROPER
 LANCE ROPER
 Represented by:
 TRAVIS L THOMPSON
 113 MAIN AVE W, STE 303
 PO BOX 485
 TWIN FALLS, ID 83303-0485
 Phone: 208-733-0700



 DIANA R DELANEY
 Deputy Clerk

CERTIFICATE OF MAILING