

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 35-13317

SEP 12 11:10  
DISTRICT COURT  
TWIN FALLS, IDAHO

NAME AND ADDRESS: DAVID W ROBISON  
2760 E 800 N  
ROBERTS, ID 83444

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS  
9.00 AFY

PRIORITY DATE: 01/27/1976

POINT OF DIVERSION: T05N R37E S30 NWNE Within Jefferson County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|-------------------------------|----------------|----------------|----------------------|
|                               | Commercial     | 01-01 TO 12-31 | 0.04 CFS<br>9.00 AFY |

PLACE OF USE: Commercial Within Jefferson County  
T05N R37E S30 NWNE

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.

*Roger Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

SCANNED

OCT 11 2005

PROFILE

05/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13317 CREATED BY TRANSFER 69279

NAME AND ADDRESS: DAVID W ROBISON  
2760 E 800 N  
ROBERTS ID 83444

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS  
9.0 AFY

PRIORITY DATE: 01/27/1976

POINT OF DIVERSION:

T05N R37E S30 NWNE Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
COMMERCIAL

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.040 CFS  
9.00 AFY

PLACE OF USE: COMMERCIAL Within JEFFERSON County

T05N R37E S30 NWNE

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

COMMERCIAL USE IS FOR A LODGE AND RECREATIONAL VEHICLE PARK.  
RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION  
42-235, IDAHO CODE.  
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 69279  
BY DEC 28, 2002.  
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF TRANSFER  
69279 IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.  
ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN  
THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.  
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-07575

A3513317



PROFILED 35-13317

SCANNED  
OCT 11 2005

SEP 12 AM 11:10

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**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**

)  
) **ORDER OF PARTIAL DECREE**  
)  
) **For Water Right 35-13317**  
)

On July 1, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-13317 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 12, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

**ORDER OF PARTIAL DECREE**

**PROFILED**

**SCANNED**

**OCT 11 2005**

2002 SEP 12 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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): 35-13317

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-13317 was mailed  
on September 12, 2002, with sufficient first-class postage prepaid  
to the following:

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

DAVID W ROBISON  
2760 E 800 N  
ROBERTS, ID 83444

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PROFILED

SCANNED  
OCT 11 2005

PAGE 1  
09/12/02



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 17, 2002

DAVID W ROBISON  
2760 E 800 N  
ROBERTS ID 83444

RE: Notice of Change of Water Right Ownership (NCO) for  
35-7575 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Robison:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

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OCT 11 2005

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 )

Water Rights: 35-7575 split into  
35-13316, 35-13317 & 35-12915

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **69279**

- |                                                          |                                                         |
|----------------------------------------------------------|---------------------------------------------------------|
| <input checked="" type="checkbox"/> point of diversion   | <input checked="" type="checkbox"/> place of use        |
| <input checked="" type="checkbox"/> period of use        | <input checked="" type="checkbox"/> nature of use       |
| <input checked="" type="checkbox"/> split of water right | <input checked="" type="checkbox"/> change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 16, 2002

Ernest Carlson  
Signature of IDWR Representative

FILED

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OCT 11 2005

### CERTIFICATE OF MAILING

I certify that on May 17, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
CHARLES & MARIE WELLS  
PO BOX 104  
ROBERTS ID 83444

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:  
DAVID W ROBISON  
2760 E 800 N  
ROBERTS ID 83444

4. One copy to:

|                                                  |                 |                  |
|--------------------------------------------------|-----------------|------------------|
| Each party in the subcase, or attorney of record |                 |                  |
| JOHN SIMPSON                                     | JEFFREY FEREDAY | JERRY RIGBY      |
| PO BOX 2139                                      | PO BOX 2720     | PO BOX 250       |
| BOISE ID 83701                                   | BOISE ID 83701  | REXBURG ID 83440 |

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

**PROFILED**

SCANNED  
OCT 11 2005

**WATER RIGHT NO. 35-13317**  
**As Modified by Transfer No. 69279**

In accordance with the approval of Transfer No. 69279, Water Right No. 35-13317 is now described as follows.

**Right Holder:** DAVID W ROBISON  
2760 E 800 N  
ROBERTS ID 83444

**Priority Date: 01/27/1976**

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.04 CFS              | 9.0 AF        |
|                       |             |           | 0.04 CFS              | 9.0 AF        |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNE      Sec. 30 Twp 05N   Rge 37E   JEFFERSON  
County

**PLACE OF USE:** COMMERCIAL

[illegible]

## CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Commercial use is for a lodge and recreational vehicle park.
3. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

# PROFILED

SCANNED  
OCT 11 2005

**WATER RIGHT NO. 35-13317**  
**As Modified by Transfer No. 69279**

**CONDITIONS OF APPROVAL**

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28<sup>th</sup> day of December, 2001



Chief, Water Allocation Bureau

**PROFILED**

**SCANNED**  
**OCT 11 2005**