

ACT OF THE U. S. IDAHO

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 65- 03617, 65-
	)	08627, 65-11261, 65-11211.

I. FINDINGS OF FACT

A notice of claim was filed for the above water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right. A *Notice of Completed Administrative Proceeding, Address Change*, was filed on November 2, 2001.

An *Objection* was filed to the water rights on January 18, 2002, by the Claimants regarding the address, the quantity and the place of use. On May 11 2004, *Standard Form 5/ Stipulated Elements of a Water Right* forms signed by the claimant/objector were filed. I.D.W.R. concurred on the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that the above water right be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: May 14, 2004.

2.11.2

THOMAS R CUSHMAN
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 65-03617

MAY 14 PM 12:25
FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
3990 HWY 25
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 26.44 CFS

PRIORITY DATE: 04/01/1890

POINT OF DIVERSION: T08N R04W S35 SWSWSE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	26.44 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S20 LOT 1 (NENE)10.0	LOT 2 (NWNE)34.0
	LOT 2 (SWNE)38.0	LOT 1 (SENE)38.0
	NENW 12.0	LOT 3 (SENW) 9.7
	NESE 40.0	NWSE 14.0
	SWSE 11.0	SESE 19.0
	S21 LOT 5 (SWNW)31.0	LOT 6 (NESW)40.0
	NWSW 40.0	SWSW 11.0
	SESW 15.0	LOT 7 (NWSE)28.0
	SWSE 6.3	LOT 8 (SESE)14.0
	411.0 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.

RECOMMENDATION

MAY 14 2004


SPECIAL MASTER

John M. Melanson
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 65-08627

2004 MAY 14 PM 12:25
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
3990 HWY 52
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.90 CFS

PRIORITY DATE: 10/24/1882

POINT OF DIVERSION: T08N R04W S35 SWSWSE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	5.90 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S22 LOT 6 (SWSW) 29.0	LOT 7 (SESW) 12.0
	S27 NENW 30.0	NWNW 29.0
	SWNW 0.5	SENW 4.5
	105.0 Acres Total	

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

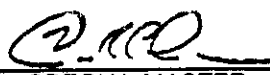
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RECOMMENDATION

MAY 14 2004


SPECIAL MASTER

John M. Melanson
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 65-11261

2004 MAY 14 PM 12:25
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
3990 HWY 25
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.33 CFS

PRIORITY DATE: 10/24/1982

POINT OF DIVERSION: T08N R04W S35 SWSWSE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.33 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S27 NENW 1.0 10.0 Acres Total	SENEW 9.0

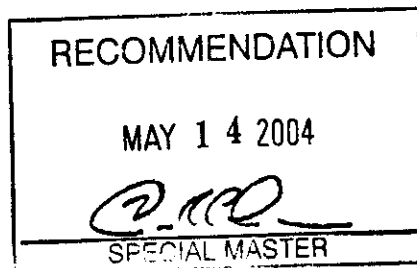
USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 152.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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
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John M. Melanson
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-11211

724 MAY 14 PM 12:26

AT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
3990 HWY 25
PAYETTE, ID 83661

SOURCE: UNNAMED SLOUGH TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.34 CFS

PRIORITY DATE: 06/01/1932

POINT OF DIVERSION: T08N R04W S20 LOT 3 (NENW) Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.34 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S17	SWSW 5.0
	S19 LOT 7	(NENE) 3.0
	S20 LOT 3	(NENW) 4.0 LOT 6 (NWNW) 36.0
	LOT 6	(SWNW) 12.0 LOT 6 (SENW) 7.0
	67.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 152.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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RECOMMENDATION

MAY 14 2004



SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 MAY 14 PM 12: 26

FILED
TWIN FALLS CO., IDAHO

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 65-03617
65-08627 65-11211 65-11261

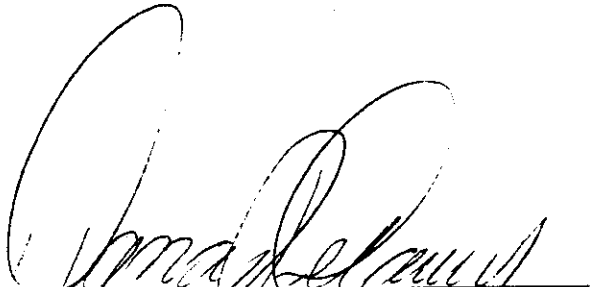
CERTIFICATE OF MAILING

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 May 14, 2004, with sufficient first-class postage prepaid to the following:

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

CHERYL F COLWELL
GEORGE & CHERYL COLWELL
GEORGE E COLWELL

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/14/04

2004 MAY 14 PM 12: 26

FILED
TWIN FALLS CO., IDAHO

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

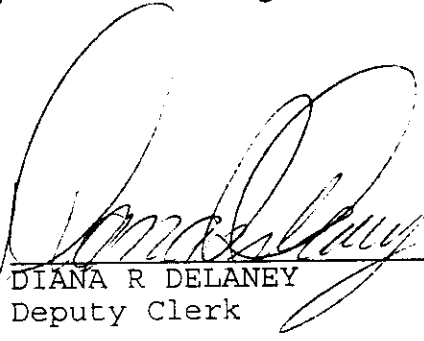
Water Right(s): 65-03617
65-08627 65-11211 65-11261

On May 14, 2004, Special Master THOMAS R CUSHMAN 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 May 14, 2004.


DIANA R DELANEY
Deputy Clerk