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Department of Water Resources

DISTRICT COURT - SRBA

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 43-10810A and 43-10810B
) (Fehlman)

Case No. 39576

)
) SPECIAL MASTER REPORT
)

Findings of Fact

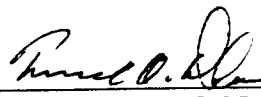
Grant and Sherry Fehlman, filed a *Notice of Claim to a Water Right* on June 5, 1989, under 43-10810 claiming 6.97 cfs from groundwater to irrigate 405 acres in Cassia County from April 1 to October 31 with a priority date of March 5, 1956, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended 43-10810A to Grant Fehlman, P.O. Box 101, Malta, Idaho 83342, for 6.04 cfs from groundwater to irrigate 302 acres from April 1 to October 31 with a priority date of March 5, 1956. The Director recommended 43-10810B to Grant Fehlman for .91 cfs to irrigate 52.8 acres.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* to 43-10810A and 43-10810B on February 8, 2002, objecting to place of use. However, on May 30, 2002, Mr. Fehlman, the United States and IDWR filed *Standard Forms 5* agreeing to further refine the legal descriptions of places of use.

Conclusions of Law

Grant Fehlman is entitled to partial decrees adjudicating water rights under claims 43-10810A and 43-10810B as described in the *Standard Forms 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-10810A and 43-10810B*.

DATED May 31, 2002.

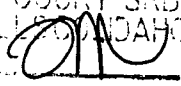

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-10810A

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO


NAME AND ADDRESS: GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 6.04 CFS
1208.00 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION: T13S R27E S04 SWSWS Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.04 CFS 1208.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R27E S04	S04
		SWNW 16.0
		SESW 40.0
		NESW 40.0
		SESW 39.0
	S05	NESE 11.0
		SESE 39.0
		SWSE 34.0
	302.0 Acres Total	

THE USE OF WATER UNDER THIS RIGHT IN THE SWNW, S04, T13S, R27E
IS LIMITED TO TRACT 37.

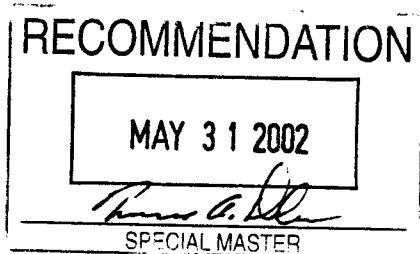
THE USE OF WATER UNDER THIS RIGHT IN THE NESE, NWSE, AND THE
SWSE, S05, T13S, R27E IS LIMITED TO TRACT 38.

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
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 43-10810B

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.91 CFS
211.20 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION: T13S R27E S08 SENENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.91 CFS 211.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Cassia County
T13S R27E S08 NENW 35.8 NWNW 17.0
52.8 Acres Total

USE OF WATER IN THE NWNW, S08, T13S, R27E IS LIMITED TO THE EAST
1/2 OF THE NWNW.

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 31 2002

[Signature]
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

Case No. 39576

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

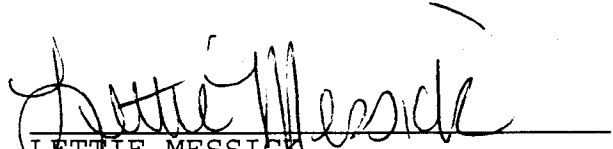
Water Right(s): 43-10810A

On May 31, 2002, 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 May 31, 2002.


LETTIE MESSICK
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

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): 43-10810A

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 31, 2002, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

GRANT A FEHLMAN
PO BOX 101
MALTA, ID 83342
Phone: 208-645-2241

CERTIFICATE OF MAILING

Lettie Messick PAGE 1
LETTIE MESSICK 05/31/02
Deputy Clerk

JUN - 1 2002

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

In Re SRBA)
)
Case No. 39576)
)
_____)

Water Right(s): 43-10810B

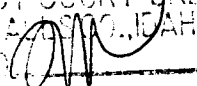

LETTIE MESSICK
Deputy Clerk

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In Re SRBA)

Case No. 39576)
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CERTIFICATE OF MAILING

Water Right(s): 43-10810B

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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 31, 2002, with sufficient first-class postage prepaid to the following:

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Deputy Clerk

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05/31/02