

2006 FEB 3 PM 3 21

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 45-4127 and 45-4128
	)	(Mullen)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

45-4127

Karen and James Mullen, 920 West, 2000 South, Oakley, Idaho, 83346, filed a *Notice of Claim to a Water Right* under 45-4127 on May 26, 1989, claiming .74 cfs from Blankenship Spring for year-'round domestic, stock and irrigation storage uses and to irrigate 71 acres in Cassia County from March 15 to November 15 with a priority date of January 1, 1892, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the claim for .03 cfs for year-'round domestic and irrigation storage uses and for stockwater and irrigation from storage covering 10 acres from March 15 to November 15.

The Mullens filed an *Objection* on December 7, 2004, objecting to quantity, priority date and place of use. The same date, they filed a *Motion to File Amended Notice of Claim* to increase the claimed acreage. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 7, 2005 objecting to place of use.

45-4128

The Mullens filed *Notice of Claim to a Water Right* under 45-4128 on May 26, 1989, claiming .8 cfs from Gillespie Spring for year-'round stockwater and irrigation storage uses and to irrigate 71 acres in Cassia County from March 15 to November 15 with a priority date of January 1, 1892, based on beneficial use. The Director recommended .03 cfs to irrigate 10 acres with a priority date of June 15, 1944.

The Mullens filed an *Objection* on December 7, 2004, objecting to quantity, priority date and place of use. The same date, they filed *Motion to File Amended Notice of Claim* to increase the claimed acreage.

Amended Claims

On July 15, 2005, the Special Master entered an *Order Granting Motions to File Amended Notices of Claims* in both subcases. IDWR filed its *Amended Director's Report, Subcase Nos. 45-4127 & 45-4128* on November 30, 2005, recommending 45-4127 for .3 cfs for year-'round domestic, irrigation storage, diversion to storage and stockwater uses and irrigation from storage and irrigation (71 acres) from March 15 to November 15 with a priority date of April 29, 1901. IDWR recommended 45-4128 for .3 cfs for year-'round diversion to storage, irrigation storage and stockwater uses and for irrigation (71 acres) and irrigation from storage from March 15 to November 15 with a priority date of April 29, 1901.

On January 30, 2006, the Special Master entered an *Order Dismissing Objection* dismissing the United States *Objection* on subcase 45-4127 based on IDWR's *Amended Director's Report*. No one objected to the *Amended Director's Report*.

Conclusions of Law

The Mullens are entitled to partial decrees adjudicating water rights for claims 45-4127 and 45-4128 as described in the *Amended Director's Report* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-4127 and 45-4128*.

DATED February 3, 2006.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

HE DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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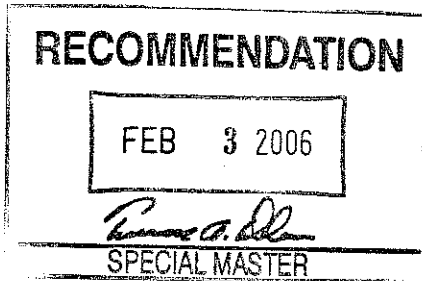
OTHER PROVISIONS (continued)

beneficial use.

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.



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

DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-04128

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NAME AND ADDRESS: JAMES MULLEN
KAREN MULLEN
920 W 2000 S
OAKLEY, ID 83346

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.30 CFS
6.60 AFY

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
RIGHT NOS. 45-4127 AND 45-4128 ARE LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 6.6 AF.

PRIORITY DATE: 04/29/1901

POINT OF DIVERSION: T14S R21E S03 LOT 1 (SWNE) Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.30 CFS
	Diversion to Storage	01-01 TO 12-31	0.30 CFS
	Irrigation from Storage	03-15 TO 11-15	6.60 AFY
	Irrigation Storage	01-01 TO 12-31	6.60 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Location	Direction	Quantity
Irrigation	T14S R21E S02 LOT 3	(NENW) 0.6	LOT 4 (NWNW) 4.2
		SWNW 35.5	SENE 21.0
	S03 LOT 1	(NENE) 3.5	
	71.0 Acres Total		
Irrigation Storage	T14S R21E S03	SENE	
Irrigation from Storage	T14S R21E S02 LOT 3	(NENW) 0.6	LOT 4 (NWNW) 4.2
		SWNW 35.5	SENE 21.0
	S03 LOT 1	(NENE) 3.5	
	71.0 Acres Total		
Stockwater	T14S R21E S02 LOT 3	(NENW)	LOT 4 (NWNW)
		SWNW	SENE
	S03 LOT 1	(NENE)	

RIGHT NOS. 45-4127 AND 45-4128 ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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

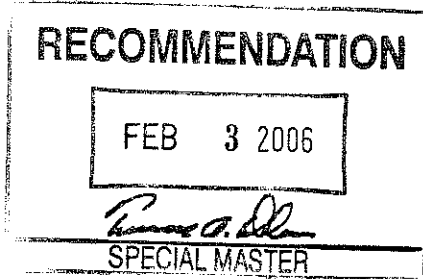
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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)
_____)

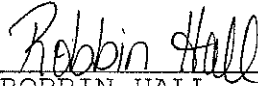
Water Right(s): 45-04127
45-04128

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 03, 2006, with sufficient first-class postage prepaid to the following:

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

JAMES MULLEN
KAREN MULLEN
920 W 2000 S
OAKLEY, ID 83346



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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

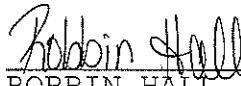
Water Right(s): 45-04127
45-04128

On February 03, 2006, 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 03, 2006.



ROBBIN HALL
Deputy Clerk