

2007 JUN 13 PM 2: 20

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	)	Subcases 74-252, 74-258, 74-263, 74-822 and
	)	74-2325
Case No. 39576	)	(Bean)
	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claims 74-252, 74-258, 74-263, 74-822 and 74-2325 to Lois and Ralph Bean, P.O. Box 41, Lemhi, Idaho, 83465, for 1.94 cfs, 1.92 cfs, .46 cfs and 2 cfs from Mc Nutt Creek, Basin Creek and an unnamed stream to irrigate 103 acres, 90 acres, 50 acres and 103 acres in Lemhi County from March 15 to November 15 with priority dates of May 1, 1905, December 23, 1911, May 1, 1914, May 2, 1915 and October 5, 1959, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on June 30, 2006, objecting to place of use. On May 29, 2007, Von L. Bean, for Lois A. Bean, and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to delete the name of Ralph D. Bean and to add a remark under place of use.

Conclusions of Law

Lois A. Bean is entitled to partial decrees adjudicating water rights under claims 74-252, 74-258, 74-263, 74-822 and 74-2325 as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-252, 74-258, 74-263, 74-822 and 74-2325*.

DATED June 13, 2007.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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DISTRICT COURT SRBA
TWIN FALLS CO., IDAHO
FILED

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May-29-2007

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 74-00258

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LOIS A BEAN
PO BOX 41
LEMHI, ID 83465

SOURCE: MC NUTT CREEK TRIBUTARY: BASIN CREEK

QUANTITY: 1.92 CFS

PRIORITY DATE: 12/23/1911

POINT OF DIVERSION: T17N R23E S06 LOT 4 (NWNW) Within Lemhi County
LOT 3 (NENW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.92 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T17N R23E S05 LOT 4 (NWNW) 24.0	SWNW 30.0
	NESW 5.0	NWSW 28.0
	SESW 3.0	
	90.0 Acres Total	

This right authorizes the irrigation of 91 total acres.
Place of use is within HES 231.
Place of use does not include federal public lands.

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.

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

RECOMMENDATION

JUN 13 2007

COURT 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-00263

2007 JUN 13 PM 2:20

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LOIS A BEAN
PO BOX 41
LEMHI, ID 83465

SOURCE: BASIN CREEK TRIBUTARY: HAYDEN CREEK
MC NUTT CREEK TRIBUTARY: BASIN CREEK

QUANTITY: 0.46 CFS

PRIORITY DATE: 05/01/1914

POINT OF DIVERSION: T17N R23E S06 LOT 4 (NWNW) Within Lemhi County
LOT 3 (NENW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.46 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T17N R23E S05	NWNW 6.0	SWNW 8.0
		NWSW 1.0	
	S06	NENE 23.0	NWNE 7.0
		SENE 5.0	
	50.0 Acres Total		

This right authorizes the irrigation of 49.3 total acres.
Place of use is within HES 232.
Place of use does not include federal public lands.

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).

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RECOMMENDATION

JUN 13 2007

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 74-00822

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LOIS A BEAN
PO BOX 41
LEMHI, ID 83465

SOURCE: BASIN CREEK TRIBUTARY: HAYDEN CREEK
MC NUTT CREEK TRIBUTARY: BASIN CREEK

QUANTITY: 0.46 CFS

PRIORITY DATE: 05/02/1915

POINT OF DIVERSION: T17N R23E S06 LOT 3 (NENW) Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.46 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T17N R23E S05	NWNW 6.0	SWNW 8.0
		NWSW 1.0	
	S06	NENE 23.0	NWNE 7.0
		SENE 5.0	
	50.0 Acres Total		

This right authorizes the irrigation of 49.3 total acres.
Place of use is within HES 232.
Place of use does not include federal public lands.

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).

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

RECOMMENDATION

JUN 13 2007

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 74-02325

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: LOIS A BEAN
PO BOX 41
LEMHI, ID 83465

SOURCE: UNNAMED STREAM TRIBUTARY: BASIN CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 10/05/1959

POINT OF DIVERSION: T17N R23E S06 LOT 12 (SESE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.00 CFS

PLACE OF USE:	Irrigation	Within Shoshone County
	T17N R23E S05	SWNW 30.0 NWSW 28.0 SESW 15.0 SWSE 30.0
	103.0 Acres Total	

This right authorizes the irrigation of 103.5 total acres.
Place of use does not include federal public lands.

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

RECOMMENDATION

JUN 13 2007

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 74-00252

74-00258 74-00263 74-00822
74-02325

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 June 13, 2007, 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

LOIS A BEAN
PO BOX 41
LEMHI, ID 83465
Phone: 208-756-6196

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA
Case No. 39576

Water Right(s): 74-00252
74-00258 74-00263 74-00822
74-02325

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.

ROBBIN HALL
Deputy Clerk