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JUN 28 2007
DEPARTMENT OF
WATER RESOURCES

2007 JUN 27 AM 8:54

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 74-557A and 74-15768
Case No. 39576) (Havemann)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Finding of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-557A be disallowed: "Recommended as Right No. 74-557." Carol and Grant Havemann, 3 Boots Road, Salmon, Idaho, 83467, were granted leave to file a late *Objection* on May 23, 2007, objecting to purpose of use.

On June 7, 2007, the Havemanns, with IDWR's concurrence, filed a *Standard Form 5* agreeing that claim 74-557A, now renumbered as 74-15768, be decreed for .02 cfs from springs for year-'round domestic use in Lemhi County with a priority date of March 1, 1957, based on beneficial use.

Conclusions of Law

The Havemanns are entitled to a partial decree adjudicating a water right for claim 74-15768 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-15768*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 74-557A be **disallowed**.

DATED June 27, 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

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 74-15768

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: CAROL J HAVEMANN
GRANT M HAVEMANN
3 BOOTS RD
SALMON, ID 83467

SOURCE: SPRINGS TRIBUTARY: LEMHI-RIVER

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/01/1957

POINT OF DIVERSION: T21N R22E S11 NWSESW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.02 CFS

Domestic use is for 1 home.

PLACE OF USE:	Domestic	Within Lemhi County
	T21N R22E S11	NESW SESW

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

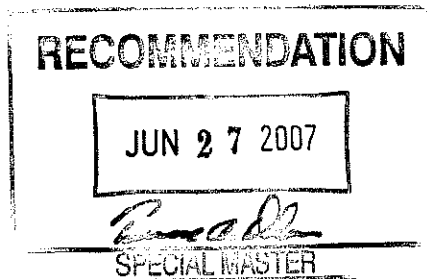
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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
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



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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 74-00557A
74-15768

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 27, 2007, with sufficient first-class postage prepaid to the following:

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

CAROL J HAVEMANN
GRANT M HAVEMANN
3 BOOTS RD
SALMON, ID 83467
Phone: 208-756-2443



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

Water Right(s): 74-00557A
74-15768

Robbin Hall
ROBBIN HALL
Deputy Clerk