

2007 SEP 19 AM 9:53
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) Subcase 74-286
Case No. 39576) (Carlson)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

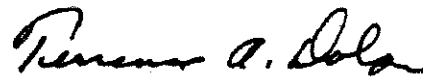
The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-286 to Robert and Norma Carlson, 740 Lee Creek Road, Leadore, Idaho, 83464, for 6.4 cfs from Mill Creek to irrigate 290.9 acres in Lemhi County from March 15 to November 15 with a priority date of November 5, 1909, based on a decree.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* on June 30, 2006, objecting to points of diversion and place of use. However, on September 12, 2007, the Carlsons and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amend the place of use to 265.9 acres.

Conclusions of Law

The Carlsons are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-286*.

DATED September 19, 2007.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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Water Right 74-00286

DISTRICT COURT-SRBA
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CLERK'S OFFICE
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): 74-00286

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 September 19, 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

NORMA E CARLSON
ROBERT E CARLSON
740 LEE CREEK RD
LEADORE, ID 83464
Phone: 208-768-2405

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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DISTRICT COURT - SRBA
TWIN FALLS CO., 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): 74-00286

On September 19, 2007, 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 September 19, 2007.



ROBBIN HALL
Deputy Clerk