

2007 SEP 25 PM 1 52

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 78-2027B, 78-2028B, 78-10233,
Case No. 39576) and 78-10237
)
) NOTICE OF SPECIAL MASTER'S
) INTENT REGARDING
) RECOMMENDATION OF WATER
) RIGHTS
)

On September 13, 2007, a *Standard Form 5 – Stipulated Elements of a Water Right* was filed in subcase 78-10233. The parties to that subcase agreed that water right claim 78-10233 should be decreed **disallowed**.

The *Director's Report* for water right claims 78-02027B, 78-02028B, and 78-10237 each have remarks that refer to 78-10233. On September 20, 2007, this Special Master contacted Carter Fritschle at IDWR by email asking how these remarks should be revised so as to delete any reference to a water right that is to be disallowed (78-10233). Mr. Fritschle responded that each remark which refers to 78-10233 should be deleted in its entirety.

In addition, inquiry was made regarding the quantity element of right 78-10237, which was recommended in the *Director's Report* with a quantity of 2.02 cfs, but with a limitation of 1.94 cfs when combined with 78-02027B and 78-02028B. Mr. Fritschle responded that the discrepancy between the quantity of 2.02 cfs and the combined use limitation of 1.94 cfs arose out of a previous transfer proceeding. In any event, this appears to be ambiguous, and accordingly it is the intent of this Special Master to recommend that water right 78-10237 be decreed in the SRBA with a quantity of 1.94 cfs.

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 78-02027B

NAME AND ADDRESS: ALICE L BRANSTETTER
MELVIN C BRANSTETTER
PO BOX 245
NEW MEADOWS, ID 83654

SOURCE: FOURMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.09 CFS
156.00 AFY

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to a
total combined diversion rate of 1.94 cfs and to a total
combined annual diversion volume of 291 AF.

PRIORITY DATE: 03/12/1920

POINT OF DIVERSION: T19N R02E S04 LOT 4 (NWNW) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.09 CFS 156.00 AFY

PLACE OF USE:	Irrigation	Within Adams County
	T19N R02E S05	NWSE 18.0
	S08	SWSE 38.0
		NENE 2.0
		NWNE 39.0
	97.0 Acres Total	

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to the
irrigation of a combined total of 97 acres in a single
irrigation season.
This right is limited to the irrigation of 52 acres within the
place of use described above in a single irrigation season.

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.

DRAFT

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 78-02028B

NAME AND ADDRESS: ALICE L BRANSTETTER
MELVIN C BRANSTETTER
PO BOX 245
NEW MEADOWS, ID 83654

SOURCE: FOURMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.90 CFS
135.00 AFY

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to a
total combined diversion rate of 1.94 cfs and to a total
combined annual diversion volume of 291 AF.

PRIORITY DATE: 06/15/1920

POINT OF DIVERSION: T19N R02E S04 LOT 4 (NWNW) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.90 CFS 135.00 AFY

PLACE OF USE:	Irrigation	Within Adams County
	T19N R02E S05	NWSE 19.0
	S08	SWSE 37.0
		NENE 2.0
		NWNE 39.0
	97.0 Acres Total	

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to the
irrigation of a combined total of 97 acres in a single
irrigation season.
This right is limited to the irrigation of 45 acres within the
place of use described above in a single irrigation season.

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
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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 78-10237

NAME AND ADDRESS: ALICE L BRANSTETTER
MELVIN C BRANSTETTER
PO BOX 245
NEW MEADOWS, ID 83654

SOURCE: FOURMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.94 CFS
264.00 AFY

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to a
total combined diversion rate of 1.94 cfs and to a total
combined annual diversion volume of 291 AF.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T19N R02E S04 LOT 4 (NWNW) Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.94 CFS 264.00 AFY

PLACE OF USE:	Irrigation	Within Adams County
	T19N R02E S05	NWSE 19.0
	S08	SWSE 37.0
		NENE 2.0
		NWNE 39.0
	97.0 Acres Total	

Right Nos. 78-2027B, 78-2028B and 78-10237 are limited to the
irrigation of a combined total of 97 acres in a single
irrigation season.
This right is limited to the irrigation of 88 acres within the
place of use described above in a single irrigation season.

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
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John M. Melanson
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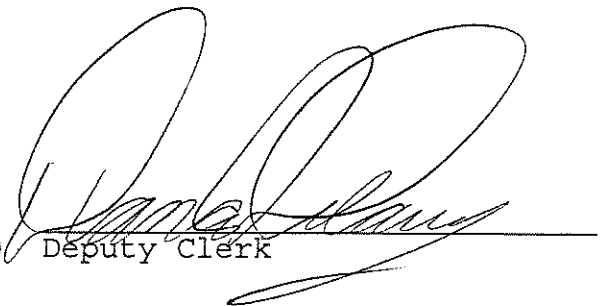
CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF SPECIAL MASTER'S INTENT REGARDING RECOMMENDATION OF WATER RIGHTS was mailed on September 25, 2007, with sufficient first-class postage to the following:

NITA BRANSTETTER
PO BOX 175
NEW MEADOWS, ID 83654
Phone: 208-347-2374

ALICE L BRANSTETTER
MELVIN C BRANSTETTER
PO BOX 245
NEW MEADOWS, ID 83654
Phone: 208-347-2266

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

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.