

2007 NOV 14 AM 10 31

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) SPECIAL MASTER'S REPORT
)
Case No. 39576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 78-00137,
) 78-00151, and 78-00152

I. FINDINGS OF FACT

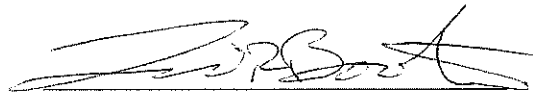
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On May 9, 2007, the claimant of the water right, Loraine Carr, through her attorney Scott Campbell, filed objections to the *Director's Report*. On November 6, 2007 the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 78-00137, 78-00151, and 78-00152 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov. 14, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

2007 NOV 14 AM 10 32

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 78-00137

NAME AND ADDRESS: LORAIN CARR
PO BOX 67
WEISER, ID 83672

SOURCE: LITTLE SALMON RIVER TRIBUTARY: SALMON RIVER
SPRING CREEK TRIBUTARY: LITTLE SALMON RIVER

Water diverted from Spring Creek is injected into the Little Salmon River and rediverted along with water from the Little Salmon River through the points of diversion from the Little Salmon River. Water from Spring Creek and the Little Salmon River is also injected into and rediverted from Mill Creek.

QUANTITY: 1.76 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION:	T18N R01E S02	NWSE	Within Adams County
		SWNE	
	S11	SENE	
	S12	SWNW	(Injection)
		SWNW	
	T19N R01E S35	SESW	
		SWSW	(Injection)
		SWSW	(Rediversion)

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.76 CFS

PLACE OF USE:	Irrigation		Within Adams County
	T18N R01E S01 LOT 4	(NWNW) 13.0	SWNW 8.1
	S02 LOT 1	(NENE) 25.0	LOT 2 (NWNE) 39.0
		SWNE 39.0	SENE 40.0
	T19N R01E S35	NESW 40.0	NWSW 2.1
		SESW 36.0	NWSE 6.0
		SWSE 24.0	SESE 1.8
	274.0 Acres Total		

Right Nos. 78-137, 78-151, 78-152 and 78-10160 are limited to the irrigation of a combined total of 274 acres in a single irrigation season.

Right Nos. 78-137, 78-151, 78-152, 78-10160 and 78-10161 are limited to the irrigation of a combined total of 282.6 acres in a single irrigation season.

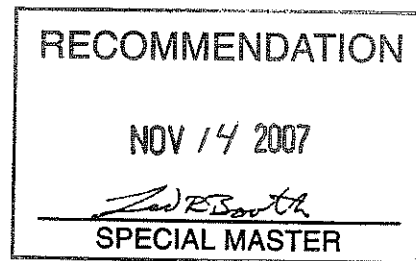
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

2007 NOV 14 AM 10 32

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-00151

NAME AND ADDRESS: LORAIN CARR
PO BOX 67
WEISER, ID 83672

SOURCE: LITTLE SALMON RIVER TRIBUTARY: SALMON RIVER

Point of injection into and point of rediversion from Mill
Creek.

QUANTITY: 0.35 CFS

PRIORITY DATE: 06/01/1905

POINT OF DIVERSION: T18N R01E S02 SWNE Within Adams County
S12 NWSE
T19N R01E S35 SWNW
SESW (Rediversion)
SWSW (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.35 CFS

PLACE OF USE:	Irrigation	Within Adams County
T18N R01E S01 LOT 4	(NWNW) 13.0	SWNW 8.1
S02 LOT 1	(NENE) 25.0	LOT 2 (NWNE) 39.0
	SWNE 39.0	SENE 40.0
T19N R01E S35	NESW 40.0	NWSW 2.1
	SESW 36.0	NWSE 6.0
	SWSE 24.0	SESE 1.8
274.0 Acres Total		

Right Nos. 78-137, 78-151, 78-152, 78-10160 and 78-10161 are
limited to the irrigation of a combined total of 282.6 acres in
a single irrigation season.

Right Nos. 78-137, 78-151, 78-152 and 78-10160 are limited to
the irrigation of a combined total of 274 acres in a single
irrigation season.

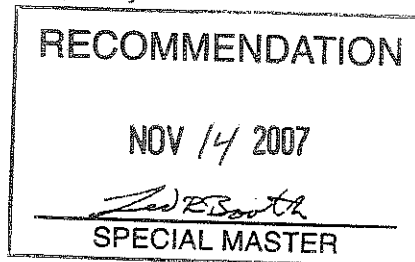
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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 - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2007 NOV 14 07 10 32

Water Right 78-00152

NAME AND ADDRESS: LORAIN CARR
PO BOX 67
WEISER, ID 83672

SOURCE: LITTLE SALMON RIVER TRIBUTARY: SALMON RIVER
Point of injection into and point of redirection from Mill
Creek.

QUANTITY: 1.05 CFS

PRIORITY DATE: 06/01/1916

POINT OF DIVERSION: T18N R01E S02 SWNE Within Adams County
NWSE
S12 SWNW
T19N R01E S35 SWSW (Injection)
SESW
SWSW (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.05 CFS

PLACE OF USE:	Irrigation	Within Adams County
T18N R01E S01 LOT 4	(NWNW)13.0	SWNW 8.1
S02 LOT 1	(NENE)25.0	LOT 2 (NWNW)39.0
	SWNE 39.0	SENE 40.0
T19N R01E S35	NESW 40.0	NWSW 2.1
	SESW 36.0	NWSE 6.0
	SWSE 24.0	SESE 1.8
274.0 Acres Total		

Right Nos. 78-137, 78-151, 78-152, 78-10160 and 78-10161 are
limited to the irrigation of a combined total of 282.6 acres in
a single irrigation season.

Right Nos. 78-137, 78-151, 78-152 and 78-10160 are limited to
the irrigation of a combined total of 274 acres in a single
irrigation season.

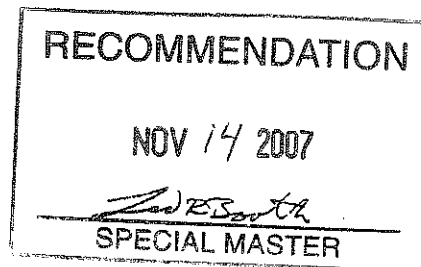
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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



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

2007 NOV 14 AM 10 32

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

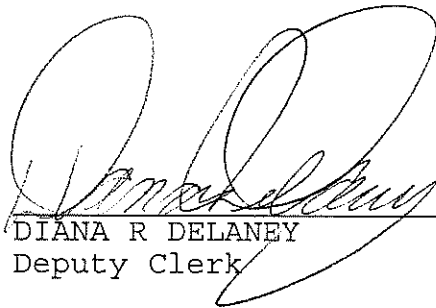
Water Right(s): 78-00137
78-00151 78-00152

On November 14, 2007, Special Master THEODORE R. BOOTH 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 November 14, 2007.



DIANA R DELANEY
Deputy Clerk

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

2007 NOV 14 AM 10 32

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 78-00137
78-00151 78-00152

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 November 14, 2007, with sufficient first-class postage prepaid to the following:

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

LORAIN CARR
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701
Phone: 208-345-2000

CERTIFICATE OF MAILING

PAGE 1
11/14/07

LORAINNE CARR

Represented by:

SCOTT L CAMPBELL

101 S CAPITOL BLVD 10TH FLOOR

PO BOX 829

BOISE, ID 83701-0829

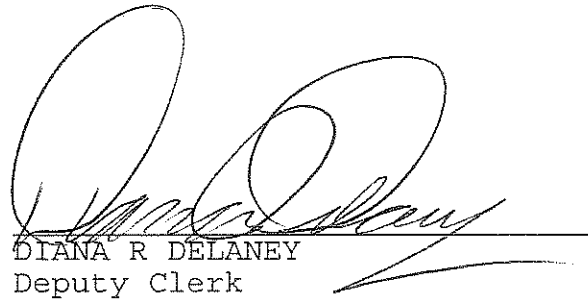
Phone: 208-345-2000

LORAINNE CARR

PO BOX 67

WEISER, ID 83672

Phone: 208-549-3243



DIANA R DELANEY
Deputy Clerk