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DEPARTMENT OF  
WATER RESOURCES

2007 DEC -5 AM 10:34

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 74-255, 74-257, 74-259, 74-268 and  
Case No. 39576 ) 74-1114  
) (Bean)  
)  
\_\_\_\_\_ ) 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 claims 74-268 and 74-1114 to Lois and Ralph Bean, P.O. Box 41, Lemhi, Idaho, 83465, for 4.36 cfs and 2 cfs from Basin Lake and Bear Creek for year-'round irrigation storage and for irrigation from storage and irrigation of 219 acres and 101 acres from March 15 to November 15 in Lemhi County with priority dates of April 1, 1925, and April 1, 1926, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use. On November 29, 2007, the Beans and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to amend the place of use and add the remark: "Place of use does not include federal public lands." IDWR identified 74-255, 74-257 and 74-259 as uncontested overlapping claims.

**Conclusions of Law**

The Beans are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-255, 74-257, 74-259, 74-268 and 74-1114*.

DATED December 5, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 74-00255

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

SOURCE: MC NUTT CREEK TRIBUTARY: BASIN CREEK

QUANTITY: 1.60 CFS

PRIORITY DATE: 05/01/1905

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

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 1.60 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County         |
|---------------|-------------------|-----------------------------|
|               | T17N R23E S05     | SENE 2.0 LOT 7 (SENE) 4.0   |
|               |                   | NESE 23.0 LOT 8 (NESE) 10.0 |
|               | LOT 11 (SESE) 4.0 | SESE 19.0                   |
|               | 62.0 Acres Total  |                             |

This right authorizes the irrigation of 62.6 total acres.

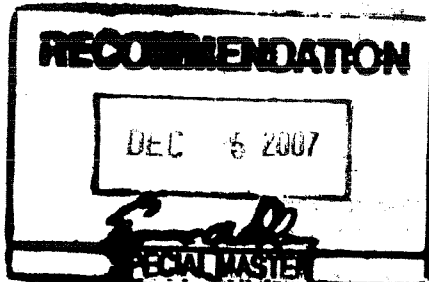
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 74-00257

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

SOURCE: MC NUTT CREEK TRIBUTARY: BASIN CREEK

QUANTITY: 1.94 CFS

PRIORITY DATE: 05/01/1905

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.94 CFS |

| PLACE OF USE: | Irrigation                     | Within Lemhi County |
|---------------|--------------------------------|---------------------|
|               | T17N R23E S04 LOT 4 (NWNW)16.0 | SWNW 2.0            |
|               | S05 LOT 1 (NENE)20.0           | LOT 2 (NWNE)28.0    |
|               | LOT 7 (SENE) 2.0               | LOT 3 (NENW)25.0    |
|               | 93.0 Acres Total               |                     |

This right authorizes the irrigation of 92.5 total acres.

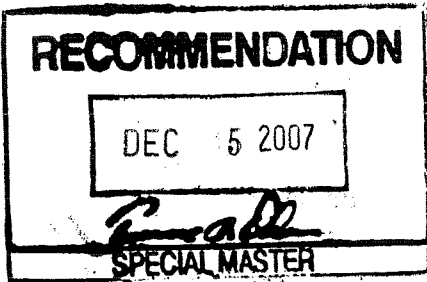
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Presiding Judge of the  
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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 74-00259

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

SOURCE: BASIN CREEK TRIBUTARY: HAYDEN CREEK

QUANTITY: 0.78 CFS

PRIORITY DATE: 05/01/1911

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.78 CFS |

| PLACE OF USE: | Irrigation       | Within Lemhi County                                       |
|---------------|------------------|-----------------------------------------------------------|
|               | T17N R23E S05    | SWNE 16.0<br>SENE 1.0<br>SENE 3.0<br>NESW 8.0<br>NWSE 8.0 |
|               | 36.0 Acres Total |                                                           |

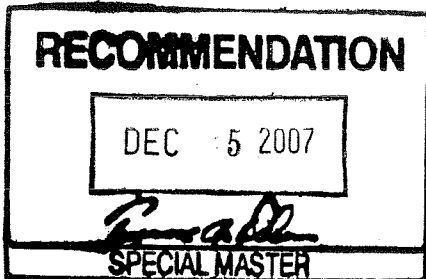
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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



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 74-00268

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

SOURCE: BASIN LAKE TRIBUTARY: BASIN CREEK

QUANTITY: 4.36 CFS  
80.00 AFY

PRIORITY DATE: 04/01/1925

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY  |
|-------------------------------|-------------------------|----------------|-----------|
|                               | Irrigation              | 03-15 TO 11-15 | 4.36 CFS  |
|                               | Irrigation Storage      | 01-01 TO 12-31 | 80.00 AFY |
|                               | Irrigation from Storage | 03-15 TO 11-15 | 80.00 AFY |

| PLACE OF USE:     | Irrigation | Within Lemhi County |
|-------------------|------------|---------------------|
| T17N R23E S05     | SWNE 14.0  | SENE 1.1            |
|                   | NWNW 23.0  | SWNW 32.0           |
|                   | SENE 7.0   | NESW 22.0           |
|                   | NWSW 28.0  | SESW 28.0           |
|                   | NESE 3.8   | NWSE 22.0           |
|                   | SWSE 29.0  |                     |
| S08               | NENW 8.5   |                     |
| 218.4 Acres Total |            |                     |

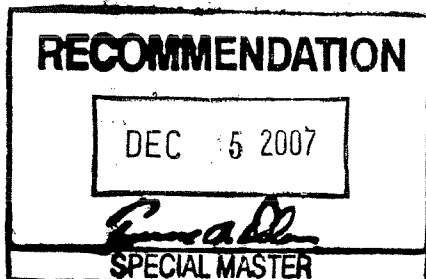
Place of use does not include federal public lands.  
Place of use is further described as HES 151, HES 230 and  
HES 231.

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

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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 74-01114

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

SOURCE: BEAR CREEK TRIBUTARY: BASIN CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 04/01/1926

POINT OF DIVERSION: T17N R23E S08 LOT 3 (NENW ) Within Lemhi County  
NENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.00 CFS |

| PLACE OF USE: | Irrigation        |           | Within Lemhi County |
|---------------|-------------------|-----------|---------------------|
|               | T17N R23E S04     | NWSW 28.0 | SWSW 6.0            |
|               | S05               | NESE 22.0 | SWSE 6.0            |
|               |                   | SESE 29.0 |                     |
|               | S08               | NWNE 10.0 |                     |
|               | 101.0 Acres Total |           |                     |

This right authorizes the irrigation of 100.2 total acres.  
Place of use does not include federal public lands.

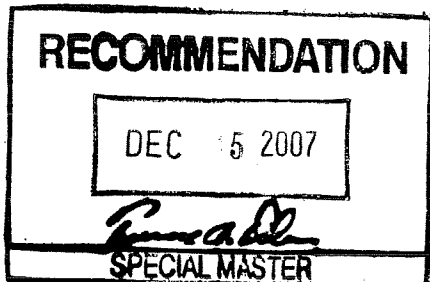
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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



2007 DEC -5 AM 10: 34

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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 74-00255

74-00257 74-00259 74-00268  
74-01114

CERTIFICATE OF MAILING

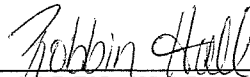
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 05, 2007, with sufficient first-class postage prepaid to the following:

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  
RALPH D BEAN  
PO BOX 41  
LEMHI, ID 83465  
Phone: 208-756-6196

CERTIFICATE OF MAILING

  
ROBBIN HALL  
Deputy Clerk

PAGE 1  
12/05/07

2007 DEC -5 AM 10:34

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

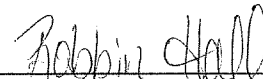
Water Right(s): 74-00255  
74-00257 74-00259 74-00268  
74-01114

On December 05, 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 December 05, 2007.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk