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DEPARTMENT OF
WATER RESOURCES

2008 MAR 27 PM 12: 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) Subcases 73-48, 73-50, 73-52 and 73-2150
Case No. 39576) (O'Neal
)
) SPECIAL MASTER REPORT
)

Findings of Fact

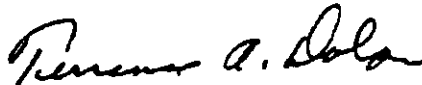
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Merle and Lynette O'Neal, 32 Falls Creek Lane, May, Idaho, 83253, for between .8 cfs and 3.2 cfs from Falls Creek to irrigate 271.8 acres in Lemhi County from April 1 to October 31 with priority dates between April 1, 1882, and March 13, 1959, based on a decree and a license.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 18, 2007, objecting to place of use. On March 21, 2008, the O'Neals and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to 271.7 acres.

Conclusions of Law

The O'Neals are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-48, 73-50, 73-52 and 73-2150*.

DATED March 27, 2008.



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 73-00048

NAME AND ADDRESS: LYNETTE A O NEAL
MERLE J O NEAL
32 FALLS CREEK LN
MAY, ID 83253

SOURCE: FALLS CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 3.20 CFS

The quantity of water under this right shall be measured at a
point in T14N, R22E, S01, SESW.

PRIORITY DATE: 04/01/1882

POINT OF DIVERSION: T14N R23E S06 LOT 6 (NENENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R22E S08	NENE 40.0 NWNE 39.0 SWNE 11.0 SENE 36.0 NESE 7.6
	S09	SWNW 40.0 NESW 40.0 NWSW 36.0 SESW 22.0
	S16	NENW 0.1
	271.7 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 271.7 acres in a single irrigation season.
Combined Right Nos.: 73-48, 73-50, 73-52, 73-2150

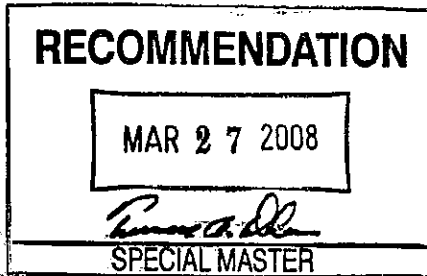
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Patterson Creek (also known as Spring Creek) and Falls Creek are
independent of each other and appropriations of water from one
of said streams in no way affects the appropriations from the
other, that neither of said streams is a tributary of the other.

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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 73-00050

NAME AND ADDRESS: LYNETTE A O NEAL
MERLE J O NEAL
32 FALLS CREEK LN
MAY, ID 83253

SOURCE: FALLS CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.60 CFS

The quantity of water under this right shall be measured at a
point in T14N, R22E, S01, SESW.

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T14N R23E S06 LOT 6 (NENENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R22E S08	NENE 40.0 NWNE 39.0
		SWNE 11.0 SENE 36.0
		NESE 7.6
	S09	SWNW 40.0 NESW 40.0
		NWSW 36.0 SESW 22.0
	S16	NENW 0.1
	271.7 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 271.7 acres in a single irrigation season.
Combined Right Nos.: 73-48, 73-50, 73-52, 73-2150

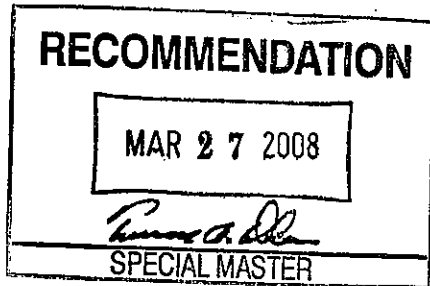
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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 73-00052

NAME AND ADDRESS: LYNETTE A O NEAL
MERLE J O NEAL
32 FALLS CREEK LN
MAY, ID 83253

SOURCE: FALLS CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.60 CFS

PRIORITY DATE: 03/24/1899

POINT OF DIVERSION: T14N R23E S06 LOT 6 (NENENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T14N R22E S08	NENE 40.0	NWNE 39.0
		SWNE 11.0	SENE 36.0
		NESE 7.6	
	S09	SWNW 40.0	NESW 40.0
		NWSW 36.0	SESW 22.0
	S16	NENW 0.1	
	271.7 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 271.7 acres in a single irrigation season.
Combined Right Nos.: 73-48, 73-50, 73-52, 73-2150

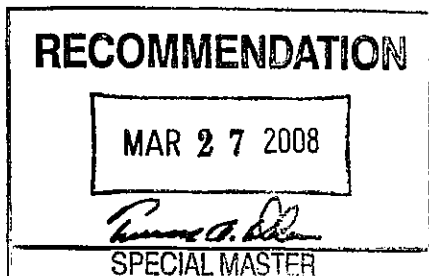
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-02150

NAME AND ADDRESS: LYNETTE A O NEAL
MERLE J O NEAL
32 FALLS CREEK LN
MAY, ID 83253

SOURCE: FALLS CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.80 CFS

PRIORITY DATE: 03/13/1959

POINT OF DIVERSION: T14N R23E S06 LOT 6 (NENENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R22E S08	NENE 40.0 NWNE 39.0 SWNE 11.0 SENE 36.0
	S09	NESE 7.6 SWNW 40.0 NESW 40.0
	S16	NWSW 36.0 SESW 22.0 NENW 0.1
	271.7 Acres Total	

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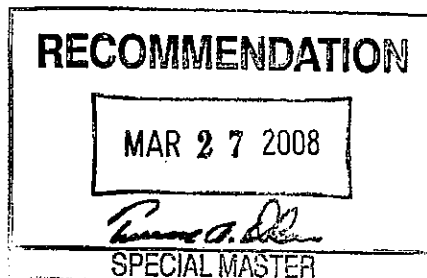
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2008 MAR 27 PM 12: 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 73-00048

73-00050 73-00052 73-02150

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 March 27, 2008, 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

LYNETTE A O NEAL
MERLE J O NEAL
32 FALLS CREEK LN
MAY, ID 83253
Phone: 208-876-4216

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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2008 MAR 27 PM 12: 53

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

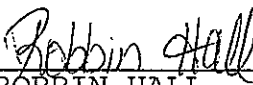
Water Right(s): 73-00048
73-00050 73-00052 73-02150

On March 27, 2008, 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 March 27, 2008.


ROBBIN HALL
Deputy Clerk