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JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

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 75-14170 (75-14514 & 75-14515)
) (Hutchins)
Case No. 39576)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-14170 to Irene and Marvin Hutchins, 1141 Highway 93 South, Salmon, Idaho, 83467, for 4.32 cfs from Twelvemile Creek to irrigate 75.3 acres in Lemhi County from April 1 to October 31 with a priority date of March 14, 1889, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on October 17, 2007, objecting to place of use. The Hutchins' and the United States, with IDWR's concurrence, filed *Standard Forms 5* on June 16, 2008, agreeing to split 75-14170 into 75-14514 (Hutchins) and 75-14515 (USDI/BLM) and disallowal of 75-14170.

Conclusions of Law

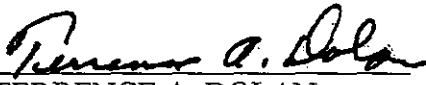
1. The Hutchins' are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14514*;
2. The USDI/BLM is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14515*; and

3. Claim 75-14170 should **not** be decreed a water right having been split into 75-14514 and 75-14515.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-14170 be **disallowed**.

DATED July 2, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-14514

NAME AND ADDRESS: IRENE HUTCHINGS
MARVIN C HUTCHINGS
1141 HWY 93 S
SALMON, ID 83467

SOURCE: TWELVEMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 3.01 CFS

PRIORITY DATE: 03/14/1889

POINT OF DIVERSION: T19N R21E S01 LOT 3 (NENENW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.01 CFS

PLACE OF USE: Irrigation Within Lemhi County
T19N R21E S01 LOT 4 (NWNW) 3.4
T20N R21E S36 LOT 7 (NWSW)18.2 LOT 10 (SWSW)38.0
SESW 0.5
60.1 Acres Total

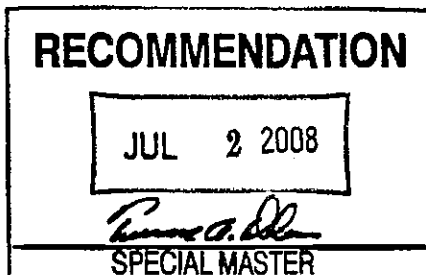
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 75-14515

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: TWELVEMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.57 CFS

PRIORITY DATE: 03/14/1889

POINT OF DIVERSION: T19N R21E S01 LOT 3 (NENENW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.57 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S35 LOT 6 (NESE) 2.2 LOT 6 (SESE) 9.1
11.3 Acres Total

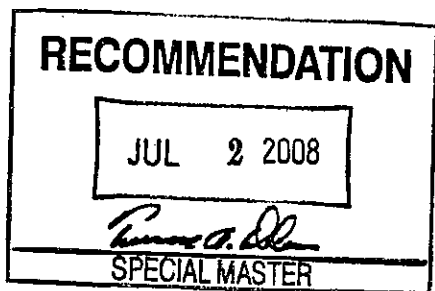
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 75-14170
75-14514 75-14515

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 July 02, 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

IRENE HUTCHINGS
MARVIN C HUTCHINGS
1141 HWY 93 S
SALMON, ID 83467
Phone: 208-756-2545

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

Case No. 39576

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

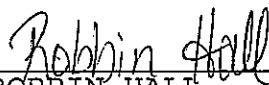
Water Right(s): 75-14170
75-14514 75-14515

On July 02, 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 July 02, 2008.


ROBBIN HALL
Deputy Clerk