

2008 SEP 24 PM 3: 24

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 75-27A, 75-27B, 75-27C, 75-27D,
	)	75-27E and 75-27F
Case No. 39576	)	(Gattung)
	)	
	)	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 75-27A to Bill and Lois Gattung, 88 Lois Lane, Salmon, Idaho, 83467, for 5.35 cfs from Williams Creek to irrigate 267.6 acres in Lemhi County from April 1 to November 1 with a priority date of May 1, 1886, based on a decree. IDWR recommended claim 75-27B be disallowed.¹

The Gattungs filed an *Objection* in subcase 75-27A on May 7, 2007, objecting to points of diversion. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 75-27A on October 17, 2007, objecting to place of use.

On June 5, 2008, IDWR filed an *Amended Claim / Director's Report in Accordance with [AO-I] Rule 10.f* in subcase 75-27A. On August 21, 2008, the Special Master entered an *Order Dismissing Objection* based on the United States' *Notice of Voluntary Dismissal of Objection*.

Conclusions of Law

The Gattungs are entitled to partial decrees adjudicating water rights as described in the *Amended Claim / Director's Report (75-27A)*, as recommended by IDWR (75-27C, 75-27D, 75-27E and 75-27F) and as described in the attached *Special Master*

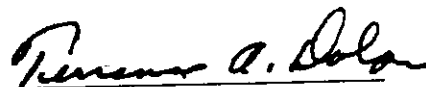
¹ IDWR identified 75-27B, 75-27C, 75-27D, 75-27E and 75-27F as uncontested overlapping claims.

Recommendations for Partial Decrees for Water Rights 75-27A, 75-27C, 75-27D, 75-27E and 75-27F. The Gattungs are **not** entitled to a partial decree for claim 75-27B.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-27B be **disallowed**.

DATED September 24, 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 75-00027A

NAME AND ADDRESS: BILL GATTUNG
LOIS GATTUNG
88 LOIS LN
SALMON, ID 83467

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 5.35 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (SENE) Within Lemhi County
S12 SESENW
SENWSE
SENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	5.35 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R21E S12	SENE 24.0
		SESW 12.0
		NESE 39.0
		NWSE 26.0
	LOT 1	(SESE) 20.0
	R22E S07 LOT 2	(SNNW) 36.0
	LOT 3	(NWSW) 30.6
	LOT 9	(SENW) 22.0
	267.6 Acres Total	

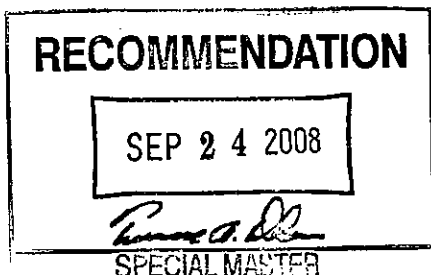
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00027C

NAME AND ADDRESS: JUDY M RIFE
ROGER K RIFE
7 ASH RD
SALMON, ID 83467

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County
S12 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.10 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S12 SWNW 5.0
5.0 Acres Total

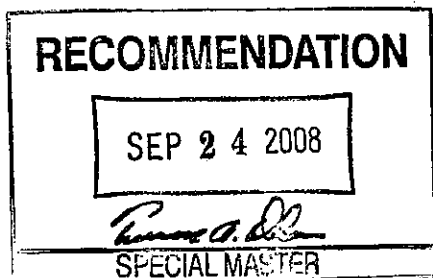
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-00027D

NAME AND ADDRESS: RANDY M CAPPS
87 CORBETT LN
SALMON, ID 83467

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.34 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.34 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R21E S01 SWSE 13.0	SESE 37.0
	R22E S06 LOT 8 (SWSW)29.0	SESW 38.0
	117.0 Acres Total	

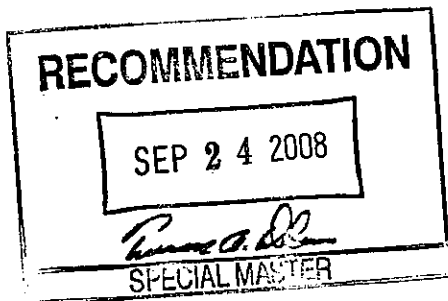
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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 75-00027E

NAME AND ADDRESS: PATTI L CONLEY
TYRELL KREMER
12225 BLAKE RD
WILTON, CA 95693

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.08 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R21E S12 SNNW 1.0	SENW 3.0
	4.0 Acres Total	

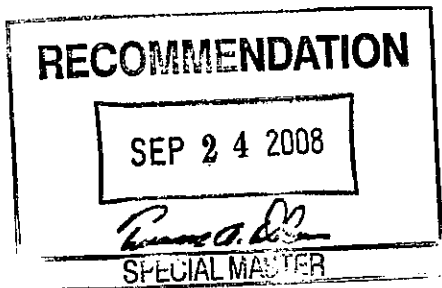
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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 75-00027F

NAME AND ADDRESS: KEVIN A RICE
127 CORBETT LN
SALMON, ID 83467

TAMARA RICE
127 CORBETT LN
SALMON, ID 83467-5073

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.56 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.56 CFS
	Stockwater	04-01 TO 12-15	0.07 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S12 NENE 37.0 NWNE 25.0
R22E S07 LOT 5 (NENW)39.0 LOT 1 (NWNW)27.0
128.0 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

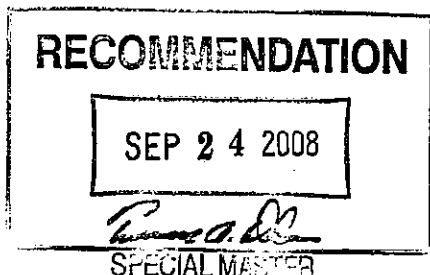
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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).

RULE 54(b) CERTIFICATE

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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.



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Presiding Judge of the
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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-00027A
75-00027B 75-00027C 75-00027D
75-00027E 75-00027F

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 September 24, 2008, with sufficient first-class postage prepaid to the following:

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

PATTI L CONLEY
TYRELL KREMER
12225 BLAKE RD
WILTON, CA 95693
Phone: 916-687-6272

KEVIN A RICE
127 CORBETT LN
SALMON, ID 83467
Phone: 208-756-2669

CERTIFICATE OF MAILING

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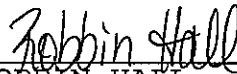
TAMARA RICE
127 CORBETT LN
SALMON, ID 83467-5073
Phone: 208-756-2669

GARY L MOSER
PAULA E MOSER
304 KELLY ST
SALMON, ID 83467
Phone: 208-756-4434

JUDY M RIFE
ROGER K RIFE
7 ASH RD
SALMON, ID 83467
Phone: 208-756-6123

RANDY M CAPPS
87 CORBETT LN
SALMON, ID 83467
Phone: 208-756-2997

BILL GATTUNG
LOIS GATTUNG
88 LOIS LN
SALMON, ID 83467
Phone: 208-756-3704



ROBBIN HALL
Deputy Clerk

2008 SEP 24 PM 3:24

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

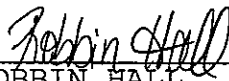
Water Right(s): 75-00027A
75-00027B 75-00027C 75-00027D
75-00027E 75-00027F

On September 24, 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 September 24, 2008.



ROBBIN HALL
Deputy Clerk