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DEPARTMENT OF
WATER RESOURCES

2008 OCT 21 PM 12:28

DISTRICT COURT-SP 3
TWIN FALLS CO., ID. 10
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 75-2004A (Dockter), 75-2004D
Case No. 39576) (McKay & Radtke), 75-2004F (Garn),
) 75-2004G (Davis), 75-2004K (Lutch)
) and 75-2004L (Blankinship)
)
) SPECIAL MASTER REPORT

Findings of Fact

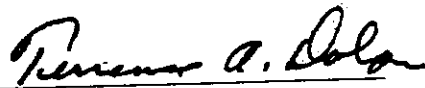
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-200G to Dani M. Davis, 2 Redtail Lane, Carmen, Idaho, 83462, for .06 cfs from Tower Creek to irrigate 2 acres in Lemhi County from April 1 to October 31 with a priority date of February 19, 1907, based on a license.

Ms. Davis filed an *Objection* in subcase 75-2004G on April 26, 2007, objecting to quantity, point of diversion and place of use. She was granted leave to amend her claim on July 10, 2008, and on August 21, 2008, IDWR filed its *Amended Director's Report, Subcase No. 75-2004G* recommending .18 cfs to irrigate 6.2 acres. No one objected to the *Report*. IDWR also identified subcases 75-2004A (Cynthia and Thomas Dockter), 75-2004D (Kristi P. McKay and Dennis Radtke), 75-2004F (James and Joan Garn), 75-2004K (Jeffrey Lutch) and 75-2004L (Carolyn L. Blankinship) as uncontested overlapping claims.

Conclusions of Law

Ms. Davis and the other claimants are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-2004A, 75-2004D, 75-2004F, 75-2004G, 75-2004K and 75-2004L*.

DATED October 21, 2008.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath the name.

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 75-02004G

NAME AND ADDRESS: DANI DAVIS
2 REDTAIL LN
CARMEN, ID 83462

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.18 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION: T23N R22E S17 NWSNW Within Lemhi County
S18 SESENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.18 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S18 SENE 3.8 NESE 2.4
6.2 Acres Total

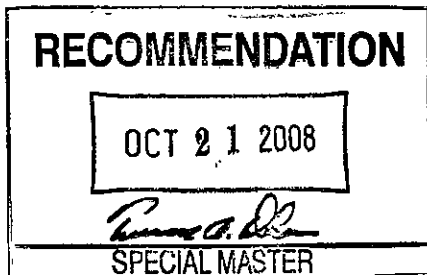
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-02004A

NAME AND ADDRESS: CYNTHIA D DOCKTER
THOMAS H DOCKTER
PO BOX 1799
VALLEY SPRINGS, CA 95252-1799

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.06 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION: T23N R22E S17 NWNE Within Lemhi County
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.06 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S17 SWNW 0.9
S18 SENE 1.1
2.0 Acres Total

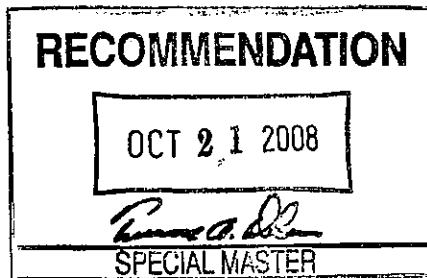
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Presiding Judge of the
Snake River Basin Adjudication



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 75-02004D

NAME AND ADDRESS: KRISTI PERISHO MC KAY
29 TOWER CREEK RD
CARMEN ID, ID 83462

DENNIS RADTKE
29 TOWER CREEK RD
CARMEN, ID 83462

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION: T23N R22E S17 SWNW Within Lemhi County

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
T23N R22E S18 SENE 2.0 NESE 4.0
6.0 Acres Total

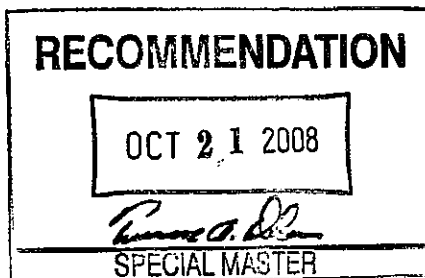
Right Nos. 75-2004D and 75-7142 are limited to the irrigation of
a combined total of 6 acres in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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 75-02004F

NAME AND ADDRESS: JAMES N GARN
JOAN B GARN
200 N FREMONT BOX 85
SUGAR CITY, ID 83448

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION: T23N R22E S17 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S18 SENE 2.0
2.0 Acres Total

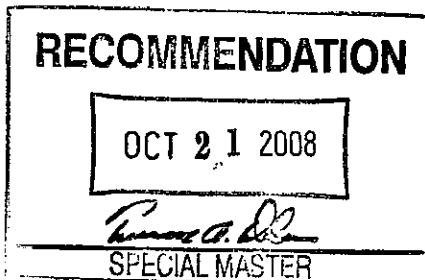
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-02004K

NAME AND ADDRESS: JEFFREY LUTCH
63 TOWER CREEK RD
CARMEN, ID 83462

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION: T23N R22E S17 SWNW Within Lemhi County
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.05 CFS

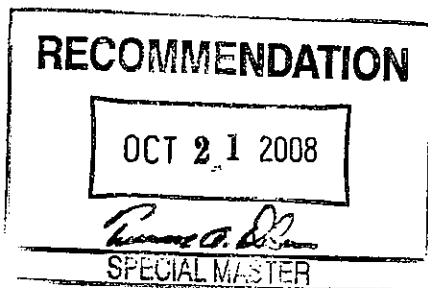
PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S17 SWNW 2.6
2.6 Acres Total

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 75-02004L

NAME AND ADDRESS: CAROLYN L BLANKINSHIP
PO BOX 1462
CARMEN, ID 83462

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.11 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION: T23N R22E S17 NWNE Within Lemhi County
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.11 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S17 SWNW 5.6
5.6 Acres Total

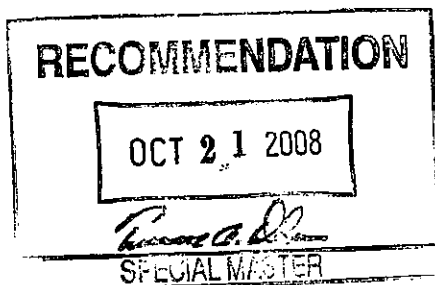
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



2008 OCT 21 PM 12:28

DISTRICT COURT-SF
TWIN FALLS CO., ID. 10
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): 75-02004A
75-02004D 75-02004G 75-02004K
75-02004L

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 October 21, 2008, with sufficient first-class postage prepaid to the following:

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

CAROLYN L BLANKINSHIP
PO BOX 1462
CARMEN, ID 83462
Phone: 208-756-6108

CYNTHIA D DOCKTER
THOMAS H DOCKTER
PO BOX 1799
VALLEY SPRINGS, CA 95252-1799
Phone: 209-786-6800

CERTIFICATE OF MAILING

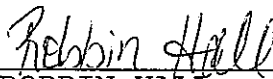
PAGE 1
10/21/08

DANI DAVIS
DANI MARIE DAVIS
2 REDTAIL LN
CARMEN, ID 83462
Phone: 208-756-8284

KRISTI PERISHO MC KAY
29 TOWER CREEK RD
CARMEN ID, ID 83462
Phone: 208-756-8480

DENNIS RADTKE
29 TOWER CREEK RD
CARMEN, ID 83462
Phone: 208-756-8480

JEFFREY LUTCH
63 TOWER CREEK RD
CARMEN, ID 83462
Phone: 208-756-1602



ROBBIN HALL
Deputy Clerk

2008 OCT 21 PM 12:28

DISTRICT COURT-SRBA
TWIN FALLS CO., ID. 40
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

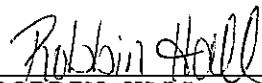
Water Right(s): 75-02004A
75-02004D 75-02004G 75-02004K
75-02004L

On October 21, 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 October 21, 2008.



ROBBIN HALL
Deputy Clerk