

2008 OCT 29 AM 10:30

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 75-99, 75-4403, 75-14194 and
Case No. 39576) 75-14195
) (Phillips)
)
_____) 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 claims 75-99, 75-14194 and 75-14195 to Clyde L. Phillips, 12 Hussey Lane, Salmon, Idaho, 83467, for .6 cfs, .22 cfs and 1.7 cfs from Iron Creek to irrigate 6.8 acres and 23 acres in Lemhi County from April 1 to October 31 with priority dates of June 1, 1916, July 28, 1927, and April 28, 1928, based on a decree or beneficial use. IDWR identified 75-4403 as an uncontested overlapping claim.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* in subcases 75-99, 75-14194 and 75-14195 on October 17, 2007, objecting to place of use. On September 11, 2008, Mr. Phillips and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to amend the places of use.

Conclusions of Law

Mr. Phillips is entitled to partial decrees adjudicating water rights as recommended by IDWR (75-4403) and as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-99, 75-4403, 75-14194 and 75-14195*.

DATED October 29, 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 75-00099

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON, ID 83467

SOURCE: IRON CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.60 CFS

PRIORITY DATE: 06/01/1916

POINT OF DIVERSION: T18N R21E S08 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.60 CFS

PLACE OF USE: Irrigation Within Lemhi County
T18N R21E S08 NWSE 2.0 SESE 3.1
5.1 Acres Total

Right Nos. 75-99 and 75-14194 are limited to the irrigation of a combined total of 6.8 acres in a single irrigation season.

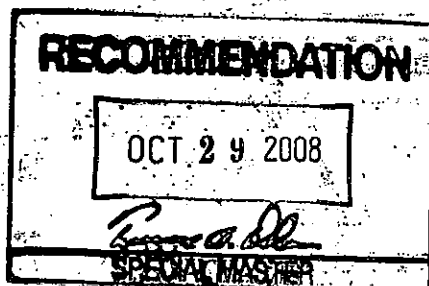
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS 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 75-04403

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON, ID 83467

SOURCE: IRON CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.37 CFS

PRIORITY DATE: 04/22/1931

POINT OF DIVERSION: T18N R21E S08 SWNW Within Lemhi County
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.37 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T18N R21E S08	SENW 8.0 NWSW 0.9
	9.7 Acres Total	

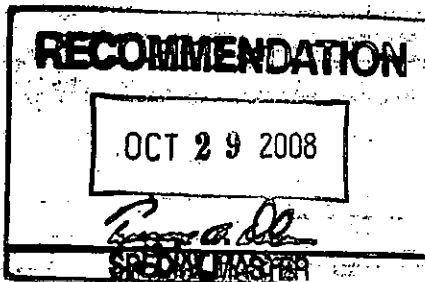
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-14194

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON, ID 83467

SOURCE: IRON CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.22 CFS

PRIORITY DATE: 07/28/1927

POINT OF DIVERSION: T18N R21E S08 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.22 CFS

PLACE OF USE: Irrigation Within Lemhi County
T18N R21E S08 NWSE 2.0 SESE 3.1
5.1 Acres Total

Right Nos. 75-99 and 75-14194 are limited to the irrigation of a combined total of 6.8 acres in a single irrigation season.

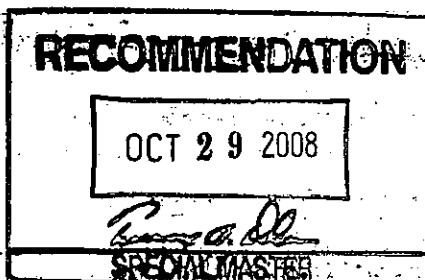
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 75-14195

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON, ID 83467

SOURCE: IRON CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.70 CFS

PRIORITY DATE: 04/28/1928

POINT OF DIVERSION: T18N R21E S16 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 07-01	1.70 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T18N R21E S09 NESE 4.0 SESE 12.0	
	S10 SWSW 7.0	
	23.0 Acres Total	

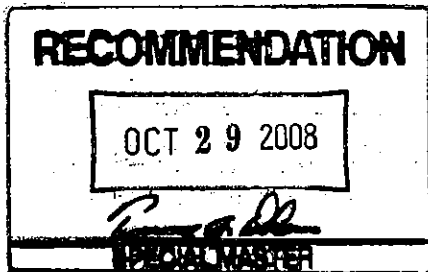
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-00099
75-04403 75-14194 75-14195

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 29, 2008, with sufficient first-class postage prepaid to the following:

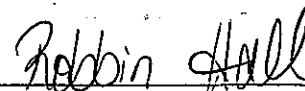
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLYDE L PHILLIPS
12 HUSSEY LN
SALMON, ID 83467
Phone: 208-894-2224

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
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In Re SRBA)

Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

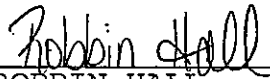
Water Right(s): 75-00099
75-04403 75-14194 75-14195

On October 29, 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 29, 2008.



ROBBIN HALL
Deputy Clerk