

2008 OCT 29 PM 12:13

CLERK OF 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 75-4415 and 75-7006
	)	(Riley and Black)
Case No. 39576	)	
	)	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 75-4415 to Ron and Tom Riley and Tom Black, 302 Lombard Street, Salmon, Idaho, 83467, for .4 cfs from Indian Creek to irrigate 25 acres in Lemhi County from April 1 to November 1 with a priority date of April 1, 1900, based on beneficial use. IDWR identified 75-7006 as an uncontested overlapping claim.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* in subcase 75-4415 on October 17, 2007, objecting to point of diversion. On September 10, 2008, the claimants and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add the remarks: "Places of use do not include any federal land; this water right is entirely within a non-surveyed township; places of use are all within HES 366."

Conclusions of Law

Ron and Tom Riley and Tom Black are entitled to partial decrees adjudicating water rights as recommended by IDWR (75-7006) and as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-4415 and 75-7006*.

DATED September 26, 2008.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-04415

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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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-07006

NAME AND ADDRESS: RON RILEY
TOM BLACK
TOM RILEY
302 LOMBARD ST
SALMON, ID 83467

SOURCE: SPRINGS TRIBUTARY: INDIAN CREEK

QUANTITY: 0.25 CFS
39.00 AFY

PRIORITY DATE: 11/03/1969

POINT OF DIVERSION: T25N R20E S19 SESESE Within Lemhi County
S29 SWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	06-01 TO 09-01	0.25 CFS 39.00 AFY

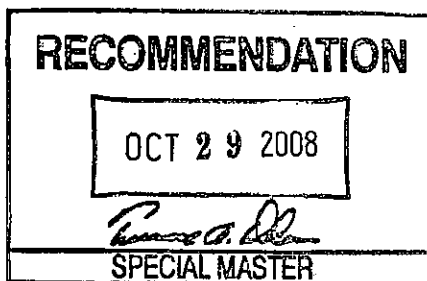
PLACE OF USE:	Irrigation	Within Lemhi County
	T25N R20E S19 SESE 4.0	
	S29 NWNW 2.0	SWNW 4.0
	NWSW 1.0	
	S30 NESE 2.0	
	13.0 Acres Total	

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

Property is within Homestead Entry Survey No. 366.
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

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-04415
75-07006

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

RON RILEY
TOM BLACK
TOM RILEY
302 LOMBARD ST
SALMON, ID 83467

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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10/29/08

DAVIDSON, LAF-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
)
Case No. 39576)
)
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)

Water Right(s): 75-04415
75-07006

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.

ROBBIN HALL
Deputy Clerk