

2008 OCT 29 PM 2:50

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 75-10253 (75-119, 75-120 and
	)	75-125)
Case No. 39576	)	(Bellamy)
	)	
	)	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 75-10253 to Don R. Bellamy, P.O. Box 1031, Salmon, Idaho, 83467, for 4.34 cfs from Fourth of July Creek for year-'round stockwater use and to irrigate 109 acres in Lemhi County from April 1 to August 1 (4.24 cfs) and August 2 to November 1 (3.18 cfs) with a priority date of June 12, 1906, based on a decree.

Michael Dougherty and Jane Sandstrom filed an *Objection* on October 2, 2007, objecting to quantity and priority date. IDWR filed its *Amended Director's Report, Subcase Nos. 75-10253, 75-00119, 75-00120, 75-00125* on August 11, 2008. It recommended 75-10253 be disallowed, "recommended as 75-119, 75-120, 75-125." No one objected to the *Amended Director's Report*.

Conclusions of Law

1. Mr. Bellamy is entitled to partial decrees adjudicating water rights as described in the *Amended Director's Report* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-119, 75-120 and 75-125*; and
2. Mr. Bellamy is **not** entitled to a partial decree for claim 75-10253 because the claim has been split "back into its original separate water rights."

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-10253 be **disallowed**.

DATED October 29, 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 75-00119

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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 75-00120

NAME AND ADDRESS: DON R BELLAMY
PO BOX 1031
SALMON, ID 83467

SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.16 CFS

PRIORITY DATE: 06/12/1906

POINT OF DIVERSION: T24N R22E S21 SENWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 08-01	0.16 CFS
	Irrigation	08-02 TO 10-31	0.12 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T24N R22E S20	SWNE 2.8 SESW 36.0 SWSE 6.9 S29 86.2 Acres Total
		NESW 8.8 NWSE 26.0

Right Nos. 75-119 and 75-120 are limited to the irrigation of a combined total of 137.1 acres in a single irrigation season.

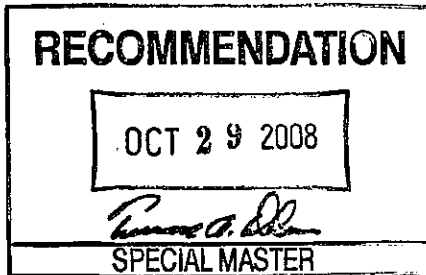
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 Re SRBA) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-00125

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CLERK OF DISTRICT COURT
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 75-00119
75-00120 75-00125 75-10253

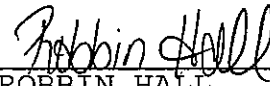
CERTIFICATE OF MAILING

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

DON R BELLAMY
PO BOX 1031
SALMON, ID 83467

MICHAEL C DOUGHERTY
502 FOURTH OF JULY CREEK RD
NORTH FORK, ID 83466
Phone: 208-865-1118



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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CP-SRBA
TWIN FALLS CO., IDAHO

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

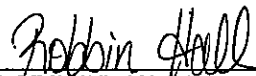
Water Right(s): 75-00119
75-00120 75-00125 75-10253

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