

2008 OCT 29 PM 12:15

FILED
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) Subcase 75-10706
) (Hendricks)
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 the claim to Leonard and Marcella Hendricks, 87 Shamrock Lane, Salmon, Idaho, 83467, for .12 cfs from Perreau Creek to irrigate 4 acres in Lemhi County from April 1 to November 1 with a priority date of April 1, 1951, based on beneficial use.

David Yanoff filed an *Objection* on September 20, 2007, objecting to quantity and on October 1, 2007, Edward Tolman filed an *Objection* objecting to the same. On September 10, 2008, the parties, with IDWR's concurrence, filed a *Standard Form 5* agreeing to a quantity of .08 cfs.

Conclusions of Law

The Hendrickses are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-10706*.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10706

NAME AND ADDRESS: LEONARD HENDRICKS
87 SHAMROCK LANE
SALMON, ID 83467

MARCELLA HENDRICKS
87 SHAMROCK LN
SALMON, ID 83467

SOURCE: PERREAU CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 04/01/1951

POINT OF DIVERSION: T20N R21E S01 LOT 4 (SENWNW) Within Lemhi County

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

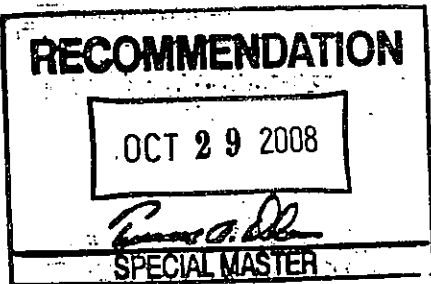
PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S01 LOT 3 (NENW) 2.0 LOT 4 (NWNW) 2.0
4.0 Acres Total

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

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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TWIN FALLS CO., IDAHO
SRBA

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): 75-10706

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

DAVID YANOFF
343 DIAMOND CREEK RD
SALMON, ID 83467
Phone: 208-756-6212

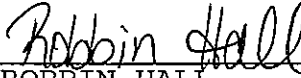
EDWARD R TOLMAN
41 CORBETT LN
SALMON, ID 83467
Phone: 208-756-3015

LEONARD HENDRICKS
87 SHAMROCK LANE
SALMON, ID 83467
Phone: 208-756-4088

CERTIFICATE OF MAILING

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MARCELLA HENDRICKS
87 SHAMROCK LN
SALMON, ID 83467
Phone: 208-756-4088



ROBBIN HALL
Deputy Clerk

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JUDICIAL DISTRICT-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

Case No. 39576

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

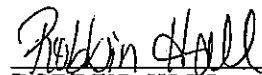
Water Right(s): 75-10706

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