

2008 OCT 29 PM 12:12

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 75-14283, 75-14285,
	)	75-14287, 75-14289 and 75-14365
Case No. 39576	)	(Aldous)
	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

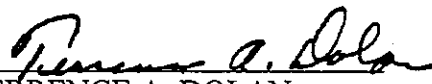
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claims to Arthur and John Aldous, P.O. Box 44, Carmen, Idaho, 83462, for between .61 cfs and 3.49 cfs from Carmen Creek to irrigate 214 acres in Lemhi County from April 1 to October 31 with priority dates between May 1, 1875, and April 1, 1915, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on October 16, 2007, objecting to place of use. On September 10, 2008, John Aldous and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

The Aldouses are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14283, 75-14285, 75-14287, 75-14289 and 75-14365*.

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 75-14283

NAME AND ADDRESS: ARTHUR ALDOUS
BOX 44
CARMEN, ID 83462

JOHN ALDOUS
PO BOX 44
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.44 CFS

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County
SWSWNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.44 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T22N R22E S03	NESW 1.0	SWSW 4.7
		SESW 32.0	NESE 0.8
		NWSE 13.0	SWSE 28.0
		SESE 0.5	
	S10	NWNE 34.0	SWNE 6.2
		NENW 35.0	NWNW 0.8
		SWNW 21.0	SENW 37.0
	214.0 Acres Total		

This right is limited to the irrigation of 145 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 214 acres in a single irrigation season.
Combined Right Nos.: 75-14283, 75-14285, 75-14287, 75-14289 and
75-14365.

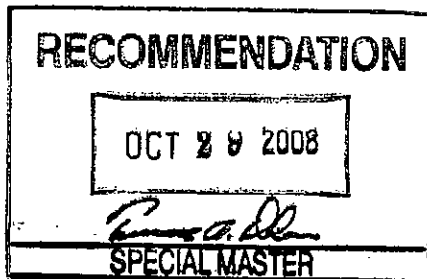
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-14285

NAME AND ADDRESS: ARTHUR ALDOUS
BOX 44
CARMEN, ID 83462

JOHN ALDOUS
PO BOX 44
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.91 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 SWSWNE Within Lemhi County
SENWNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.91 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T22N R22E S03	NESW 1.0	SWSW 4.7
	SESW 32.0	NESE 0.8
	NWSE 13.0	SWSE 28.0
	SESE 0.5	
S10	NWNE 34.0	SWNE 6.2
	NENW 35.0	NWNW 0.8
	SNNW 21.0	SENNW 37.0
	214.0 Acres Total	

This right is limited to the irrigation of 145 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 214 acres in a single irrigation season. Combined Right Nos.: 75-14283, 75-14285, 75-14287, 75-14289 and 75-14365.

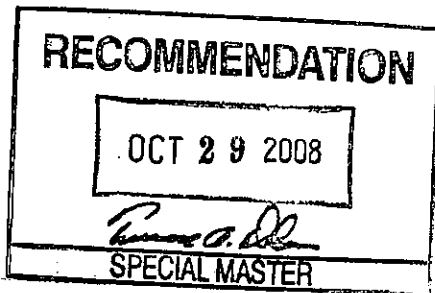
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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 75-14287

NAME AND ADDRESS: ARTHUR ALDOUS
BOX 44
CARMEN, ID 83462

JOHN ALDOUS
PO BOX 44
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.11 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County
SWSWNW
NENW
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.11 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T22N R22E S03	NESW 1.0	SWSW 4.7
	SESW 32.0	NESE 0.8
	NWSE 13.0	SWSE 28.0
	SESE 0.5	
S10	NWNE 34.0	SWNE 6.2
	NENW 35.0	NWNW 0.8
	SWNW 21.0	SENW 37.0
	214.0 Acres Total	

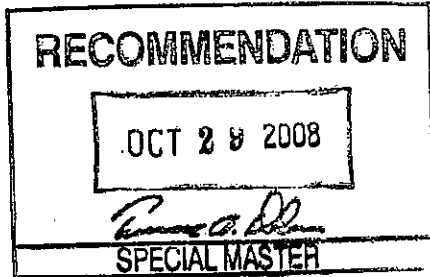
The rights listed below are limited to the irrigation of a combined total of 214 acres in a single irrigation season. Combined Right Nos.: 75-14283, 75-14285, 75-14287, 75-14289 and 75-14365.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

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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 75-14289

NAME AND ADDRESS: ARTHUR ALDOUS
BOX 44
CARMEN, ID 83462

JOHN ALDOUS
PO BOX 44
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.61 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County
SWSWNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.61 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T22N R22E S03	NESW 1.0	SWSW 4.7
	SESW 32.0	NESE 0.8
	NWSE 13.0	SWSE 28.0
	SESE 0.5	
S10	NWNE 34.0	SWNE 6.2
	NENW 35.0	NWNW 0.8
	SWNW 21.0	SENW 37.0
	214.0 Acres Total	

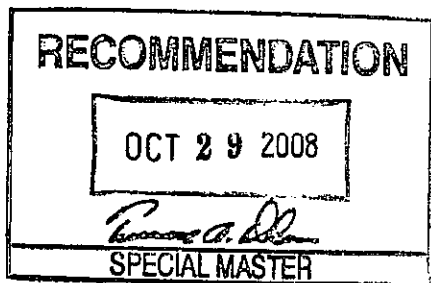
The rights listed below are limited to the irrigation of a combined total of 214 acres in a single irrigation season. Combined Right Nos.: 75-14283, 75-14285, 75-14287, 75-14289 and 75-14365.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

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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 75-14365

NAME AND ADDRESS: ARTHUR ALDOUS
BOX 44
CARMEN, ID 83462

JOHN ALDOUS
PO BOX 44
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 3.49 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County
SWSWNW
LOT 3 (NENW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.49 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S03	NESW 1.0 SWSW 4.7
		SESW 32.0 NESE 0.8
		NWSE 13.0 SWSE 28.0
		SESE 0.5
	S10	NWNE 34.0 SWNE 6.2
		NENW 35.0 NWNW 0.8
		SWNW 21.0 SENW 37.0
	214.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 214 acres in a single irrigation season. Combined Right Nos.: 75-14283, 75-14285, 75-14287, 75-14289 and 75-14365.

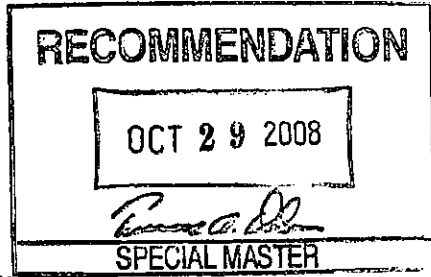
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 75-14283
75-14285 75-14287 75-14289
75-14365

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

ARTHUR ALDOUS
BOX 44
CARMEN, ID 83462
Phone: 208-940-0816

CERTIFICATE OF MAILING

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10/29/08

JOHN ALDOUS
PO BOX 44
CARMEN, ID 83462
Phone: 208-940-0816



ROBBIN HALL
Deputy Clerk

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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)

Case No. 39576)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 75-14283
75-14285 75-14287 75-14289
75-14365

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