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Department of Water Resources
Adjudication Bureau

2008 NOV -5 PM 1:20

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 75-4138A [split], 75-14468
	)	(Cummings), 75-14469 (Auen), 75-14470
Case No. 39576	)	(Walker), 75-14471 (Meyers), 75-14472
	)	[split] 75-14474 (Holden), 75-14524
	)	(Cummings) and 75-14525 (Kirschenmann)
	)	
	)	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 75-4138A to Cheryl B. Holden for .14 cfs from North Fork Salmon River to irrigate 4.7 acres in Lemhi County from April 1 to November 1 with a priority date of April 1, 1908, based on beneficial use.

Melvin J. Meyers, Sheri Auen, Michael Cummings, Shirley Walker, Jon Cummings and Clifford O. Cummings, Jr., filed *Objections* on October 15, 2007, objecting to quantity.

IDWR filed a *Notice of Completed Administrative Proceeding* on July 29, 2008, for a split of 75-4138A into the following subcases and substitution of parties:

75-14468	Jon and Nancy Cummings P.O. Box 202 North Fork, Idaho, 83466
75-14469	Sherri S. Auen 22 Avenida Andra Palm Desert, California, 92260
75-14470	Shirley A. Walker

20 Cherry Hill Lane
North Fork, Idaho, 83466

75-14471 Darci, Melvin and Charles Meyers
P.O. Box 1571
Salmon, Idaho, 83467

75-14472 Michael Cummings
P.O. Box 132
North Fork, Idaho, 83466

75-14474 Cheryl B. Holden
2362 Highway 93 North
P.O. Box 96
North Fork, Idaho, 83466

IDWR filed a second *NCAP* on July 29, 2008, for a split of 75-14472 into the following subcases and substitution of parties:

75-14524 Michael Cummings
P.O. Box 132
North Fork, Idaho, 83466

75-14525 Gordon R. Kirschenmann
P.O. Box 551
Ririe, Idaho, 83467-5147

No one objected to IDWR's recommendations in either *NCAP*.

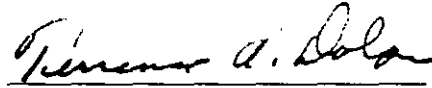
Conclusions of Law

1. The above parties are entitled to partial decrees adjudicating water rights as described in the *NCAP*'s and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14468, 75-14469, 75-14470, 75-14471, 75-14474, 75-14524 and 75-14525*; and
2. None of the parties are entitled to water rights for claims 75-4138A and 75-14472 because the claims have been split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 75-4138A and 75-14472 be
disallowed.

DATED November 5, 2008.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

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 75-14468

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In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14469

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Oct-30-2008

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 75-14470

NAME AND ADDRESS: SHIRLEY A WALKER
20 CHERRY HILL LN
NORTH FORK, ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.26 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S28 SWNW Within Lemhi County
S33 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.26 CFS

PLACE OF USE: Irrigation Within Lemhi County
T25N R21E S33 SWSW 10.0 SESW 3.6
13.6 Acres Total

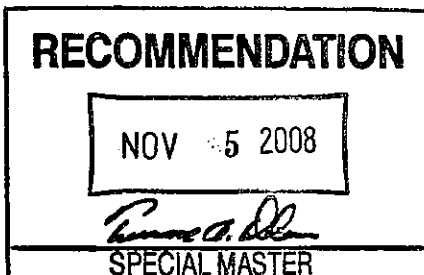
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 75-14471

NAME AND ADDRESS: CHARLES M MEYERS
DARCI A MEYERS
MELVIN J MEYERS
PO BOX 1571
SALMON, ID 83467

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.27 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S28 SWNW Within Lemhi County
S33 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.27 CFS

PLACE OF USE: Irrigation Within Lemhi County
T25N R21E S33 SWSW 9.8 SESW 4.2
14.0 Acres Total

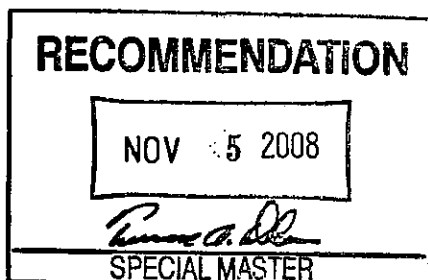
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 75-14474

NAME AND ADDRESS: CHERYL BLACKBURN HOLDEN
2362 HWY 93 N
PO BOX 96
NORTH FORK, ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.14 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S28 S33 SWNW Within Lemhi County
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.14 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T25N R21E S33	NESW 1.3 NWSW 3.4
	4.7 Acres Total	

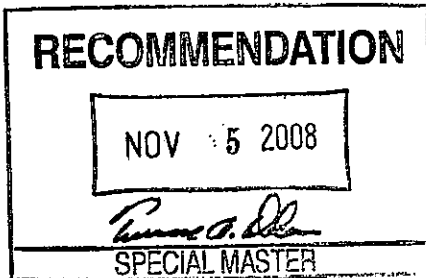
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14524

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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 75-14525

NAME AND ADDRESS: GORDEN R KIRSCHENMANN
PO BOX 551
RIRIE, ID 83467-5147

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S28 SWNW Within Lemhi County
S33 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE:	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.04 CFS

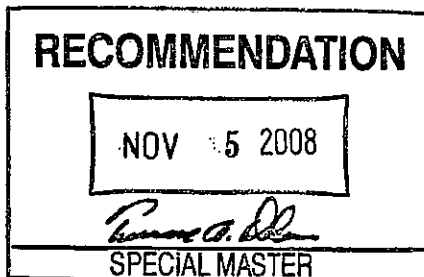
PLACE OF USE: Irrigation Within Lemhi County
T24N R21E S04 NENW 1.8
T25N R21E S33 SESW 0.1
1.9 Acres Total

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

2008 NOV -5 PM 1:20

SRBA
TWIN FALLS, 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

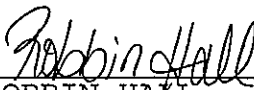
Water Right(s): 75-04138A
75-14468 75-14469 75-14470
75-14471 75-14472 75-14474
75-14524 75-14525

On November 05, 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 November 05, 2008.



ROBBIN HALL
Deputy Clerk

2008 NOV -5 PM 1:20

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

CERTIFICATE OF MAILING

Water Right(s): 75-04138A

75-14468	75-14469	75-14470
75-14471	75-14472	75-14474
75-14524	75-14525	

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 November 05, 2008, with sufficient first-class postage prepaid to the following:

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

CLIFFORD O CUMMINGS JR
JON CUMMINGS
MELVIN J MEYERS
MICHAEL CUMMINGS
SHERRI AUEN
SHIRLEY WALKER

Represented by:
PAUL B. WITHERS
1301 MAIN STREET, STE 6
SALMON, ID 83467
Phone: 208-756-2009

GORDEN R KIRSCHENMANN
MOUNTAIN K CUTLERY
2322 US HWY 93 N
NORTH FORK, ID 83466

CERTIFICATE OF MAILING

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11/05/08

MICHAEL CUMMINGS
PO BOX 132
NORTH FORK, ID 83466

CHARLES M MEYERS
DARCI A MEYERS
MELVIN J MEYERS
PO BOX 1571
SALMON, ID 83467

JON CUMMINGS
NANCY CUMMINGS
PO BOX 202
NORTH FORK, ID 83466

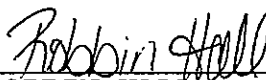
GORDEN R KIRSCHENMANN
PO BOX 551
RIRIE, ID 83467-5147

SHIRLEY A WALKER
20 CHERRY HILL LN
NORTH FORK, ID 83466

SHERRI S AUEN
22 AVENIDA ANDRA
PALM DESERT, CA 92260

CHERYL BLACKBURN HOLDEN
2362 HWY 93 N
NORTH FORK, ID 83466

CHERYL BLACKBURN HOLDEN
2362 HWY 93 N
PO BOX 96
NORTH FORK, ID 83466



ROBBIN HALL
Deputy Clerk