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DEC 10 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 9 2008	
By _____	Clerk
_____	Deputy Clerk

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 75-4497

) (Hunter)

Case No. 39576

)

) ORDER GRANTING OBJECTION

) AND 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 Constance and Bradley Hunter, 220 Boothman Lane, Stahlstown, Pennsylvania, 15687-1194, for .2 cfs from Tower Creek for year-'round stockwater use and to irrigate 4 acres in Lemhi County from April 1 to October 31 with a priority date of June 15, 1948, based on beneficial use. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on October 17, 2007, objecting to place of use.

An initial hearing was held in Salmon, Idaho on September 9, 2008. David L. Negri appeared for the United States and Chris M. Bromley appeared for IDWR. The Hunters failed to appear or contact the Court. The United States moved for an order to show cause why its *Objection* should not be granted.

An *Order to Show Cause* was entered on September 17, 2008, requiring the Hunters to appear in person or by telephone and show cause why the United States' *Objection* should not be granted. The Hunters were told that failure to appear would result in the *Objection* being granted.

A hearing on the *Order to Show Cause* was held by telephone on December 4, 2008. Mr. Negri appeared for the United States, along with Fredric W. Price, and Garrick

L. Baxter appeared for IDWR, along with Monica VanBussum. The Hunters failed to appear or contact the Court.

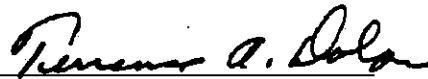
Order

THEREFORE, IT IS ORDERED that the United States' *Objection* is **granted**.

Conclusions of Law

The Hunters are entitled to a partial decree adjudicating a water right as recommended by IDWR, with the corrections to places of use in the United States' *Objection*, and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 75-4497*.

DATED December 9, 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 75-04497

NAME AND ADDRESS: BRADLEY L HUNTER
CONSTANCE B HUNTER
220 BOOTHMAN LN
STAHLSTOWN, PA 15687-1194

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.20 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/15/1948

POINT OF DIVERSION: T23N R22E S17 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.16 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R22E S18 LOT 12 (NWNE) 1.0 SWNE 1.0
LOT 13 (NENW) 0.4 LOT 4 (SENE) 1.6
4.0 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

Place of use does not include federal public lands

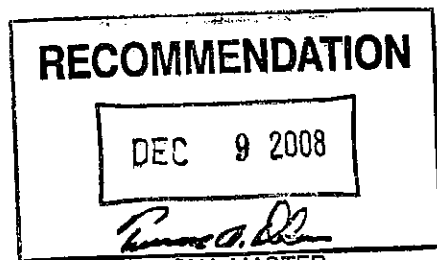
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 9 2008

By _____ Clerk
Deputy Clerk

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) : 75-04497

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 December 09, 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

BRADLEY L HUNTER
CONSTANCE B HUNTER
220 BOOTHMAN LN
STAHLSTOWN, PA 15687-1194
Phone: 412-593-2253

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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12/09/08

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

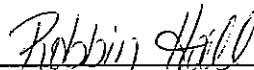
Water Right(s): 75-04497

On December 09, 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 December 09, 2008.



ROBBIN HALL
Deputy Clerk