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Department of Water Resources  
Adjudication Bureau

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

DEC 18 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 ) Subcases 75-2025E (Mosher), 75-10061Q  
Case No. 39576 ) (Quinn) and 75-14431 (Matejko)  
 )  
 ) SPECIAL MASTER REPORT  
 )

**Findings of Fact**

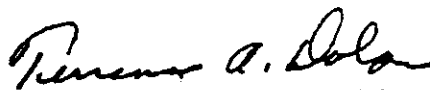
The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Irrigation & Misc. Claims* on March 21, 2008. The Director recommended claim 75-10061Q to James and Rowena Quinn, P.O. Box 1473, Carmen, Idaho, 83462, for .025 cfs from Carmen Creek to irrigate 3.2 acres in Lemhi County from April 1 to October 31 with a priority date of May 1, 1875, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 75-10061Q on June 30, 2008, objecting to point of diversion. The Quinns and the United States, with IDWR's concurrence, filed a *Standard Form 5* on September 11, 2008, amending the point of diversion. IDWR identified 75-2025E (Fransicka and Robert Mosher, 54 Parmenter Road, P.O. Box 213, Carmen, Idaho, 83462-0213) and 75-14431 (George Matejko, P.O. Box 129, Carmen, Idaho, 83462) as uncontested overlapping claims.

**Conclusions of Law**

The claimants are entitled to partial decrees adjudicating water rights as recommended by IDWR (75-2025E and 75-14431) and as described in the *SF-5* (75-10061Q) and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-2025E, 75-10061Q and 75-14431*.

DATED December 18, 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 75-02025E

NAME AND ADDRESS: FRANSICKA MOSHER  
ROBERT D MOSHER  
54 PARMENTER RD  
PO BOX 213  
CARMEN, ID 83462-0213

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 12/22/1910

POINT OF DIVERSION: T22N R22E S02 NWN Within Lemhi County  
T23N R22E S35 NENE

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

PLACE OF USE: Irrigation Within Lemhi County  
T22N R22E S03 SWNE 6.0  
6.0 Acres Total

The rights listed below are limited to the irrigation of a  
combined total of 6 acres in a single irrigation season.  
Combined Right Nos.: 75-69K, 75-70K, 75-2025E, 75-10061T and  
75-10062R.

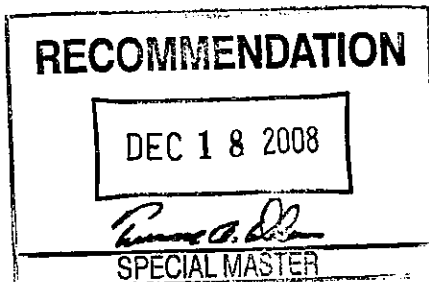
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 75-10061Q

NAME AND ADDRESS: JAMES R QUINN  
ROWENA D QUINN  
PO BOX 1473  
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.025 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.025 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T22N R22E S02 SWNW 3.2  
3.2 Acres Total

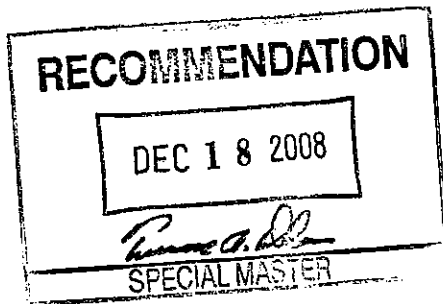
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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  
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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  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 75-14431

NAME AND ADDRESS: GEORGE MATEJKO  
PO BOX 129  
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.19 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T22N R22E S03 NESE 9.4  
9.4 Acres Total

The rights listed below are limited to the irrigation of a  
combined total of 9.4 acres in a single irrigation season.  
Combined Right Nos.: 75-69H, 75-70H, 75-10061R, 75-10062P &  
75-14431.

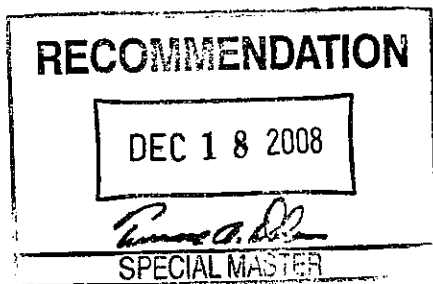
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

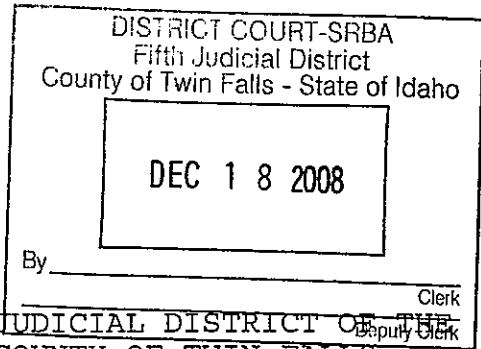
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
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final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided 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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s) : 75-02025E  
75-10061Q 75-14431

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 18, 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

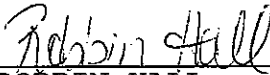
GEORGE MATEJKO  
PO BOX 129  
CARMEN, ID 83462  
Phone: 208-756-1946

CERTIFICATE OF MAILING

PAGE 1  
12/18/08

JAMES R QUINN  
ROWENA D QUINN  
PO BOX 1473  
CARMEN, ID 83462  
Phone: 208-756-1433

FRANSICKA MOSHER  
ROBERT D MOSHER  
54 PARMENTER RD  
PO BOX 213  
CARMEN, ID 83462-0213  
Phone: 208-756-4607

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| DEC 18 2008                                                                             |                       |
| By _____                                                                                | Clerk<br>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 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

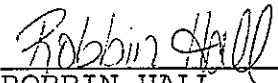
Water Right(s): 75-02025E  
75-10061Q 75-14431

On December 18, 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 18, 2008.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk