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DEC 22 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 17 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 75-14011
	)	(Wallace)
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 be disallowed: "Recommended as right no. 75-14009." Beth Anne and Jerold Wallace, 11920 Narcissus Road, Jackson, California, 95642, filed an *Objection* on July 9, 2007, objecting to priority date and the right being recommended for disallowal.

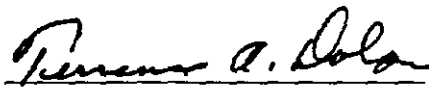
On September 5, 2008, the Wallaces, with IDWR's concurrence, filed a *Standard Form 5* agreeing to .23 cfs from Smout Creek to irrigate 12 acres from April 1 to October 31 with a priority date of May 1, 1915, based on beneficial use.

On October 8, 2008, an *NCAP* was filed changing the Claimant's address. No objection was received and the time for filing objections has passed.

Conclusions of Law

The Wallaces are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14011*.

DATED December 17, 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 75-14011

NAME AND ADDRESS: JEROLD W WALLACE
11920 NARCISSUS RD
JACKSON, CA 95642

BETH ANNE O CONNOR WALLACE
4820 GRAZING HILL RD
LATROBE, CA 95682-9702

SOURCE: SMOUT CREEK TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.23 CFS

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T23N R23E S31 SWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.23 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R23E S31 SENW 12.0
12.0 Acres Total

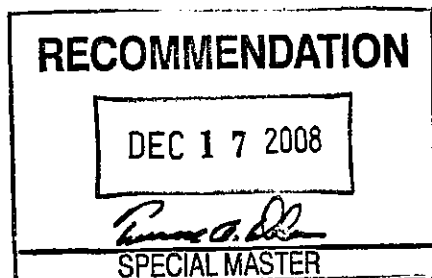
RIGHT NOS. 75-14007, 75-14009 AND 75-14011 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION
SEASON.

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

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

DEC 17 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

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s): 75-14011

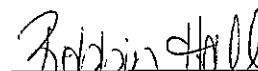
CERTIFICATE OF MAILING

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 17, 2008, with sufficient first-class postage prepaid to the following:

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

BETH ANNE O CONNOR WALLACE
JEROLD W WALLACE

Represented by:
THOMAS B. DOMINICK
DOMINICK LAW OFFICES PLLC
500 W BANNOCK
BOISE, ID 83702
Phone: 208-336-2844


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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12/17/08

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

DEC 17 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

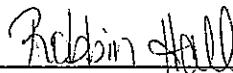
Water Right(s): 75-14011

On December 17, 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 17, 2008.



ROBBIN HALL
Deputy Clerk