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MAR 13 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2009	
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	) SPECIAL MASTER'S REPORT
	)
Case No. 39576	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW
	)
	) FOR WATER RIGHTS 67-02372
	) and 67-08004

I. FINDINGS OF FACT

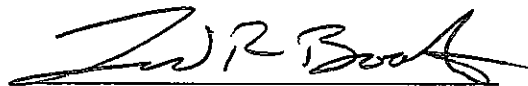
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On August 21, 2007, the United States of America, Department of Interior, Bureau of Land Management filed an objection to the *Director's Report* for water right claim 67-08004, asserting that the place of use should not include BLM land. No objections were filed regarding water right claim 67-02372, but it was identified by IDWR as an uncontested claim that might be affected by the outcome of a contested matter. On March 9, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 67-02372 and 67-08004 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated March 12 2009



Theodore R. Booth
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

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 67-02372

MAR 12 2009

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658-0780

SOURCE: GROUND WATER

QUANTITY: 0.75 CFS
150.00 AFY

RIGHT NOS. 67-2372 AND 67-8004 ARE LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1038 AF FOR IRRIGATION PURPOSES.
RIGHT NOS. 67-2372 AND 67-8004 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.61 CFS.

PRIORITY DATE: 09/19/1966

POINT OF DIVERSION: T12N R04W S05 SWSEW Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	0.75 CFS
			150.00 AFY

PLACE OF USE:	Irrigation	Within Washington County
	T12N R04W S09	NESE 4.5 NWSE 10.0 SWSE 7.0 SESE 16.0
	37.5 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 230.3 acres in a single irrigation season.
Combined Right Nos.: 67-8004 & 67-2372

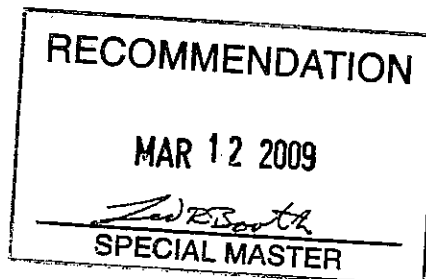
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

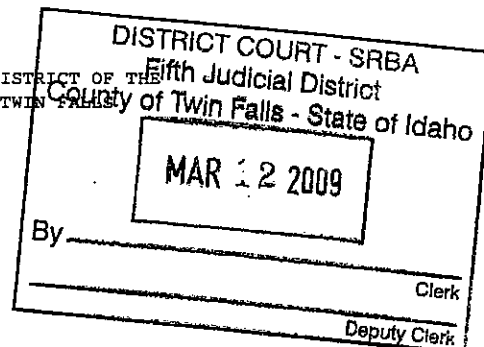
RULE 54(b) CERTIFICATE

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 67-08004

NAME AND ADDRESS: SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658-0780

SOURCE: GROUND WATER
SPRINGS TRIBUTARY: THOUSAND SPRINGS CREEK
THOUSAND SPRINGS CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 4.61 CFS
1060.00 AFY

Storage of water under the rights listed below are limited to a
combine total of 19.0 acre feet per year. Combined Right No(s):
67-8004, & 67-14110
Right Nos. 67-2372 and 67-8004 are limited to a total combined
annual diversion volume of 1038 AF for irrigation purposes.
Right Nos. 67-2372 and 67-8004 are limited to a total combined
diversion rate of 4.61 cfs.

PRIORITY DATE: 09/19/1996

POINT OF DIVERSION: T12N R04W S04 SWNWSE Within Washington County
NWSE
SWNE
LOT 2 (NWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	4.61 CFS
			1038.00 AFY
Irrigation Storage		01-01 TO 12-31	19.00 AFY
Irrigation from Storage		03-01 TO 11-15	19.00 AFY
Stockwater		01-01 TO 12-31	0.03 CFS
			1.30 AFY
Stockwater Storage		01-01 TO 12-31	19.00 AFY
Wildlife		01-01 TO 12-31	0.03 CFS
			1.30 AFY
Wildlife Storage		01-01 TO 12-31	19.00 AFY
Domestic		01-01 TO 12-31	0.06 CFS
			1.20 AFY
Fire Protection Storage		01-01 TO 12-31	19.00 AFY
Diversion to Storage		01-01 TO 12-31	4.61 CFS

Domestic use is for 2 homes.

PLACE OF USE:	Irrigation	Within Washington County
T12N R04W S04	SWNE 2.1	NWSE 1.8
S09	NENE 1.8	NWNE 13.0
	SWNE 9.2	SENE 21.0
	NESE 31.0	NWSE 4.9
	SESE 33.0	
S10	NWSW 10.0	SWSW 4.1
S15	NWNW 17.0	SWNW 19.0
	NWSW 19.0	
S16	NENE 24.0	SENE 16.0
	NESE 3.4	
230.3 Acres Total		

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

Irrigation Storage T12N R04W S04	NWSE	Within Washington County
Irrigation from Storage Same as Irrigation		Within Washington County
Stockwater Same as Irrigation		Within Washington County
Stockwater Storage T12N R04W S04	NWSE	Within Washington County
Wildlife Same as Irrigation		Within Washington County
Wildlife Storage T12N R04W S04	NWSE	Within Washington County
Domestic T12N R04W S04	NWSE	Within Washington County
Fire Protection Storage T12N R04W S04	NWSE	Within Washington County

The rights listed below are limited to the irrigation of a combined total of 230.3 acres in a single irrigation season.
Combined Right Nos.: 67-8004 & 67-2372

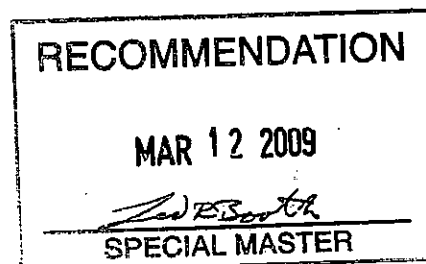
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	
MAR 12 2009	
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

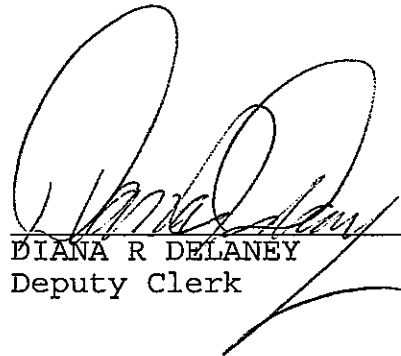
Water Right(s): 67-02372
67-08004

On March 12, 2009, Special Master THEODORE R. BOOTH 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 March 12, 2009.



DIANA R DELANEY
Deputy Clerk

Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 2 2009	
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): 67-02372
67-08004

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 March 12, 2009, with sufficient first-class postage prepaid to the following:

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

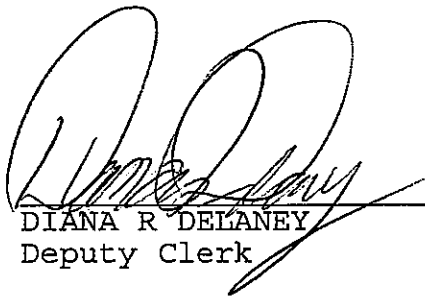
SEWARD PROSSER MELLON
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
03/11/09

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658-0780
Phone: 412-238-7085



DIANA R DELANEY
Deputy Clerk