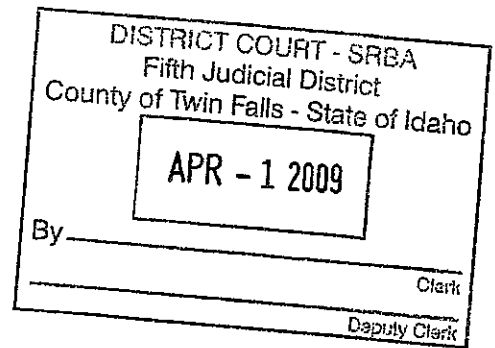


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APR 02 2009

DEPARTMENT OF
WATER RESOURCES



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 75-27H (75-14581), 75-27J and 75-27K
	)	(Tolman, Rife & Conley / Kremer)
Case No. 39576	)	
_____	)	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 75-27H, later re-numbered as 75-14581, to Kathy and Edward Tolman, 125 Williams Road, Salmon, Idaho, 83467, for 2.5 cfs from Williams Creek to irrigate 125 acres in Lemhi County from April 1 to November 1 with a priority date of May 1, 1886, based on a decree.

Randy Capps, Bill and Lois Gattung and Kevin Rice filed *Objections* on May 7, 2007, alleging the water right should not exist. On January 15, 2009, the parties, with IDWR's concurrence, filed a *Standard Form 5*.

IDWR identified the following subcases as uncontested overlapping claims:
75-27J – Roger and Judy Rife, 7 Ash Road, Salmon, Idaho, 83467, for .08 cfs from Williams Creek to irrigate 4 acres in Lemhi County from April 1 to November 1 with a priority date of May 1, 1886, based on a decree; and
75-27K – Patti Conley and Tyrell Kremer, 12225 Blake Road, Wilton, California, 95693, for .16 cfs from Williams Creek to irrigate 7.8 acres in Lemhi County from April 1 to November 1 with a priority date of May 1, 1886, based on a decree.

Conclusions of Law

1. The Tolmans, the Rifes and Patti Conley and Tyrell Kremer are entitled to partial decrees adjudicating water rights as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14581* (Tolman), *75-27J* (Rife) and *75-27K* (Conley / Kremer); and
2. The Tolmans are **not** entitled to a partial decree for claim 75-27H because the water right has been re-numbered.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-27H be **disallowed**.

DATED April 1, 2009.

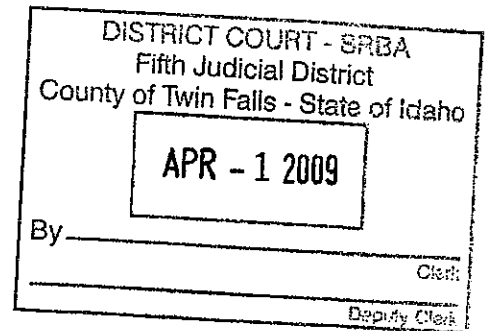

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 75-14581



NAME AND ADDRESS: KATHY TOLMAN
125 WILLIAMS CREEK RD
SALMON, ID 83467

EDWARD REX TOLMAN
41 CORBETT LN
SALMON, ID 83467

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.50 CFS

PRIORITY DATE: 07/08/1943

POINT OF DIVERSION: T20N R21E S12 SENESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.50 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T20N R22E S06	SWNE 0.2	LOT 4 (NENW) 7.0
LOT 6	(SWNW) 1.6	SENW 33.0
	NESW 40.0	LOT 7 (NWSW) 17.0
	SESW 1.2	LOT 11 (NWSE) 13.0
LOT 13	(SWSE) 12.0	
125.0 Acres Total		

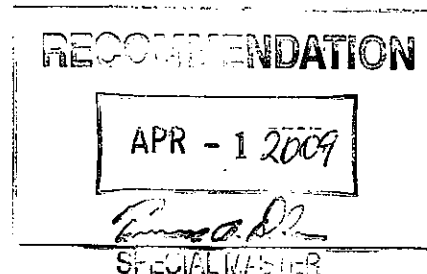
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

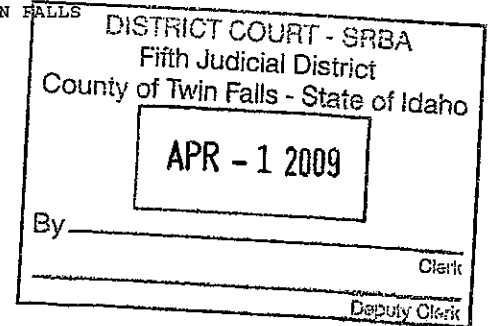


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 75-00027J



NAME AND ADDRESS: JUDY M RIFE
ROGER K RIFE
7 ASH RD
SALMON, ID 83467

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.08 CFS

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.08 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S12 SWNW 4.0
4.0 Acres Total

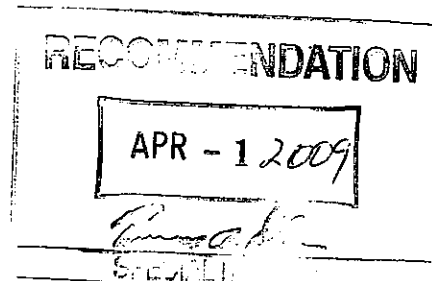
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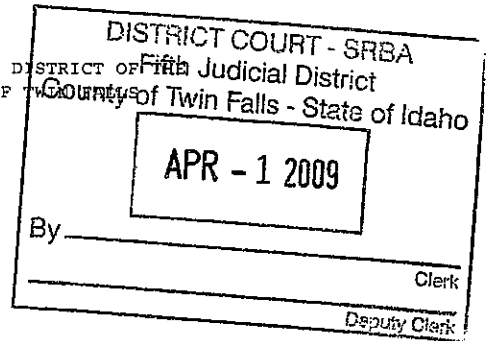
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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 75-00027K

NAME AND ADDRESS: PATTI L CONLEY
TYRELL J KREMER
12225 BLAKE RD
WILTON, CA 95693

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.16 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.16 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S12 SENW 7.8
7.8 Acres Total

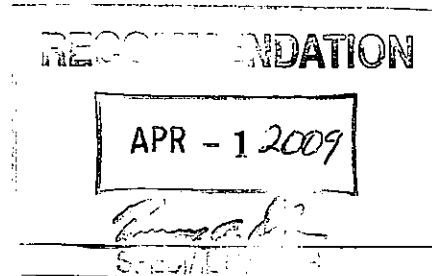
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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

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



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR - 1 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

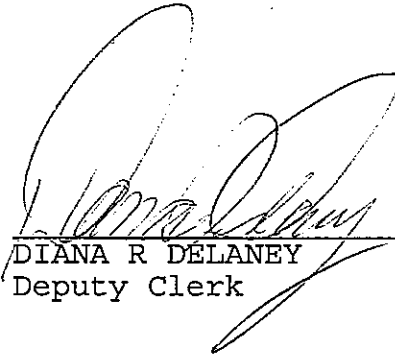
Water Right(s): 75-00027H
75-00027J 75-00027K 75-14581

On April 01, 2009, 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.

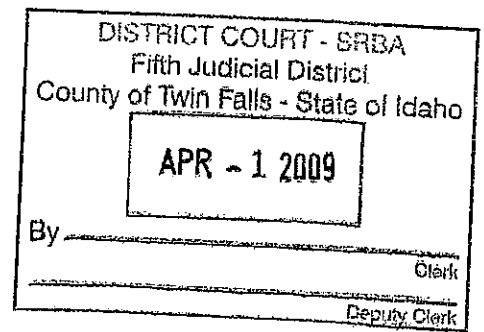
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 01, 2009.



DIANA R DELANEY
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): 75-00027H
75-00027J 75-00027K 75-14581

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 April 01, 2009, with sufficient first-class postage prepaid to the following:

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

PATTI L CONLEY
TYRELL J KREMER
12225 BLAKE RD
WILTON, CA 95693
Phone: 916-687-6272

KATHY TOLMAN
125 WILLIAMS CREEK RD
SALMON, ID 83467
Phone: 208-756-3015

KEVIN RICE
127 CORBETT LN
SALMON, ID 83467
Phone: 208-756-2669

CERTIFICATE OF MAILING

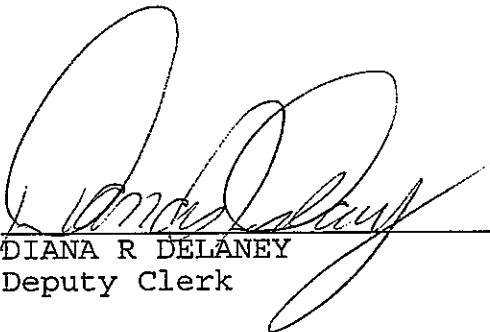
PAGE 1
04/01/09

EDWARD REX TOLMAN
41 CORBETT LN
SALMON, ID 83467
Phone: 208-756-3015

JUDY M RIFE
ROGER K RIFE
7 ASH RD
SALMON, ID 83467
Phone: 208-756-6123

RANDY CAPPS
87 CORBETT LN
SALMON, ID 83467
Phone: 208-756-2997

BILL & LOIS GATTUNG
88 LOIS LN
SALMON, ID 83467
Phone: 208-756-3704



DIANA R DELANEY
Deputy Clerk