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MAY 19 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 18 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	)	Subcase 75-10080
	)	(Hudson)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	AND RECOMMENDATION

Findings of Fact

SRBA Presiding Judge John M. Melanson entered a *Partial Decree* on November 17, 2008, adjudicating to James P. Hudson, P.O. Box 173, Carmen, Idaho, 83462, a water right for .2444 cfs from springs for year-'round stockwater use and to irrigate 11.2 acres in Lemhi County from April 1 to October 31 with a priority date of May 1, 1915.

Mr. Hudson filed a *Motion to File Late Objection* on December 3, 2008, seeking to correct the combined diversion rate remark. Judge Melanson entered an *Order of Reference* for the Special Master to examine whether "the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended."

A hearing in the matter was held by telephone on March 19, 2009. Mr. Hudson appeared *pro se* and Garrick L. Baxter appeared for IDWR. A deadline for Mr. Hudson and IDWR to file a draft *Standard Form 5* was set, and on May 6, 2009, Mr. Hudson, with IDWR's concurrence, filed a draft *SF-5* agreeing to omit the combined diversion rate remark.

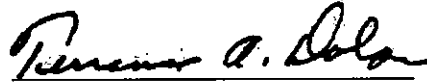
Conclusions of Law

Mr. Hudson has shown good cause to have the *Partial Decree* set aside and amended as described in the draft *SF-5*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and amended as described in the draft *SF-5* and the attached *Special Master Recommendation for Amended Partial Decree for Water Right 75-10080*.

DATED May 18, 2009.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

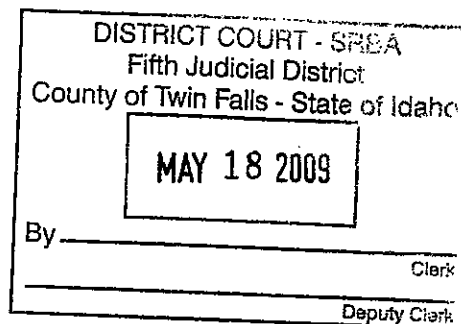
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 75-10080



NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: SPRINGS TRIBUTARY: CARMEN CREEK

QUANTITY: 0.244 CFS

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

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENWNW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.224 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SENE 10.2 NESE 1.0
11.2 Acres Total

Stockwater Within Lemhi County
T22N R22E S03 SENE

The rights listed below are limited to the irrigation of a
combined total of 11.2 acres in a single irrigation season.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C,
75-10079 and 75-10080.

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

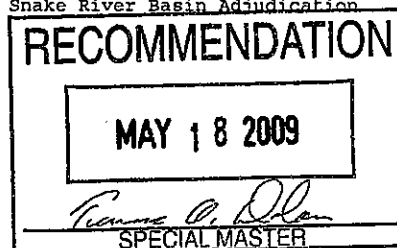
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

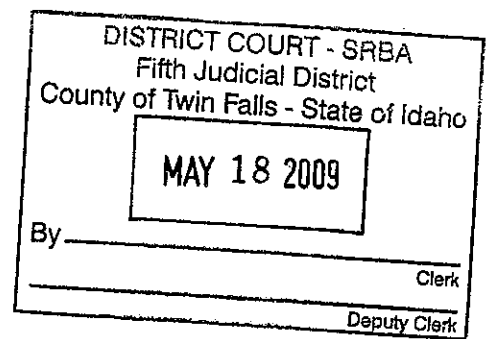
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

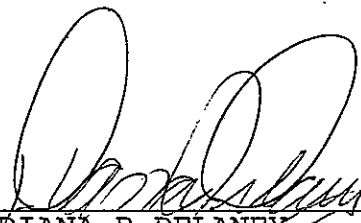
Water Right(s): 75-10080

On May 18, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

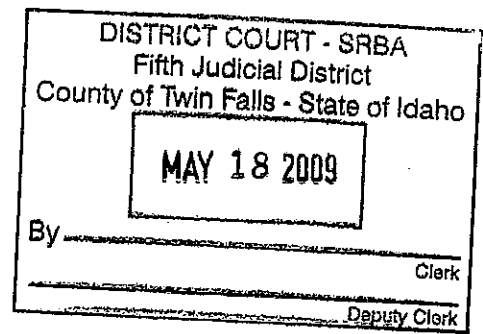
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 May 18, 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

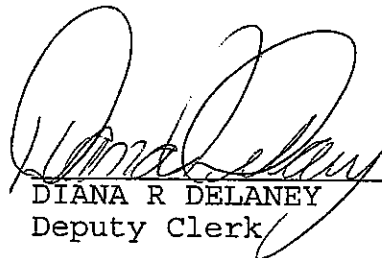
Water Right(s): 75-10080

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 May 18, 2009, with sufficient first-class postage prepaid to the following:

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

JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462
Phone: 208-756-3193


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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05/18/09