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JUL 21 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 20 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	)	Subcases:
	)	02-10306 (02-10339 and 02-10340)
	)	and
	)	02-10339 (02-10417, 02-10418 and 02-10419)
	)	(Mooney, Scudder & Young)
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 Basin 02* on December 29, 2006. The Director recommended claim 02-10306 to Carol A. Mooney, 1854 S. Mooney Lane, Hammett, Idaho, 83627, for .699 cfs from the Snake River to irrigate 40.35 acres in Elmore County from March 15 to November 15 with a priority date of July 25, 1961, based on beneficial use.

IDWR filed a *Notice of Completed Administrative Proceeding* on June 5, 2007, splitting 02-10306 into 02-10339 (Jerry L. Young, P.O. Box 223, Fairfield, Idaho, 83327) and 02-10340 (Mooney). Ms. Mooney filed an *Objection* in the three (3) subcases on June 28, 2007, objecting to quantity.

IDWR filed a second *NCAP* on November 14, 2008, splitting 02-10339 into 02-10417 (Richard and Sharon Scudder, 6532 Hwy 55, Horseshoe Bend, Idaho, 83629), 02-10418 (Young) and 02-10419 (Young). Mr. Young, Ms. Mooney and the Scudders, with IDWR's concurrence, filed a *Standard Form 5* in the four (4) subcases on February 25, 2009. The same date, the Scudders and Ms. Mooney filed an *SF-5* in subcase 02-10417, Mr. Young and Ms. Mooney filed

an *SF-5* in subcase 02-10418 and Mr. Young and Ms. Mooney filed an *SF-5* in subcase 02-10419. On March 9, 2006, Ms. Mooney, with IDWR's concurrence, filed *SF-5s* agreeing to disallow 02-10306 (split) and to decree 02-10340 in her name.

Conclusions of Law

1. The claimants are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-10340 (Mooney), 02-10417 (Scudder), 02-10418 (Young) and 02-10419 (Young)*; and
2. The claimants are **not** entitled to partial decrees for claims 02-10306 and 02-10339 because they were split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 02-10306 and 02-10339 be **disallowed**.

DATED July 20, 2009.

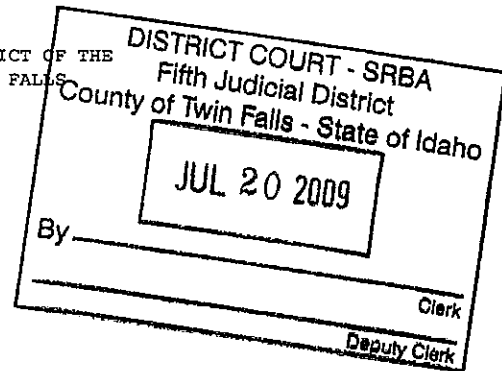


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 02-10340



NAME AND ADDRESS: CAROL A MOONEY
1854 S MOONEY LN
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.188 CFS
Exact quantity is 0.18784 cfs.

PRIORITY DATE: 07/25/1961

POINT OF DIVERSION: T06S R08E S03 LOT 4 (SWNW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.188 CFS

PLACE OF USE: Irrigation Within Elmore County
T06S R08E S03 LOT 4 (NWNW) 8.47 LOT 4 (SWNW) 3.35
11.82 Acres Total

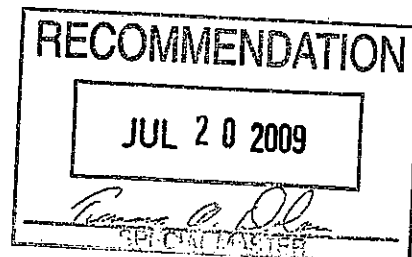
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 02-10417

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 20 2009
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: RICHARD M SCUDDER
SHARON L SCUDDER
6532 HIGHWAY 55
HORSESHOE BEND, ID 83629

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.164 CFS
Exact quantity is 0.16463 cfs.

PRIORITY DATE: 07/25/1961

POINT OF DIVERSION: T06S R08E S03 LOT 4 (SWNW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.164 CFS

PLACE OF USE: Irrigation Within Elmore County
T06S R08E S03 LOT 4 (NWNW) 9.51
9.51 Acres Total

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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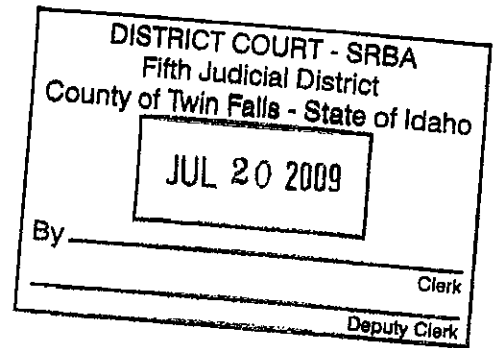
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
JUL 20 2009
<i>Thomas A. Olson</i> SPECIAL MASTER

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 02-10418



NAME AND ADDRESS: JERRY L YOUNG
PO BOX 223
FAIRFIELD, ID 83327

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.164 CFS

Exact quantity is 0.16463 cfs.

PRIORITY DATE: 07/25/1961

POINT OF DIVERSION: T06S R08E S03 LOT 4 (SNNW) Within Elmore County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.164 CFS

PLACE OF USE: Irrigation Within Elmore County
T06S R08E S03 LOT 4 (NWNW) 9.51
9.51 Acres Total

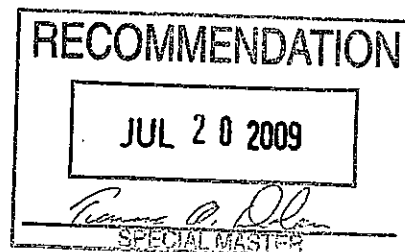
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RULE 54(b) CERTIFICATE

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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)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10419

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

JUL 20 2009

By _____ Cl
Deputy Cl

NAME AND ADDRESS: JERRY L YOUNG
PO BOX 223
FAIRFIELD, ID 83327

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.164 CFS

Exact quantity is 0.16463 cfs.

PRIORITY DATE: 07/25/1961

POINT OF DIVERSION: T06S R08E S03 LOT 4 (SWNW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.164 CFS

PLACE OF USE: Irrigation Within Elmore County
T06S R08E S03 LOT 4 (NWNW) 9.51
9.51 Acres Total

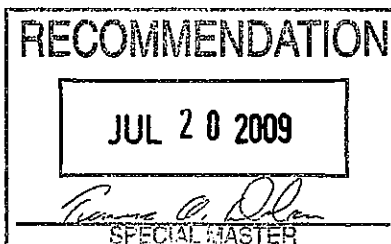
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

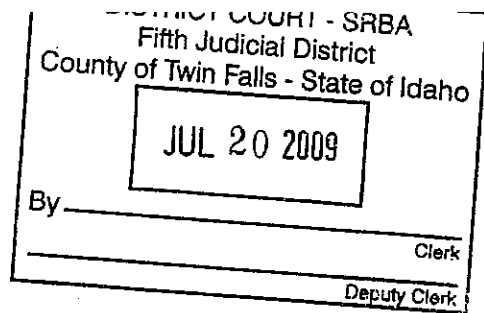
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

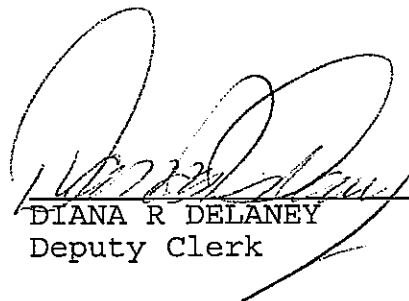
Water Right(s): 02-10306
02-10339 02-10340 02-10417
02-10418 02-10419

On July 20, 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 July 20, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 20 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): 02-10306
02-10339 02-10340 02-10417
02-10418 02-10419

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 July 20, 2009, with sufficient first-class postage prepaid to the following:

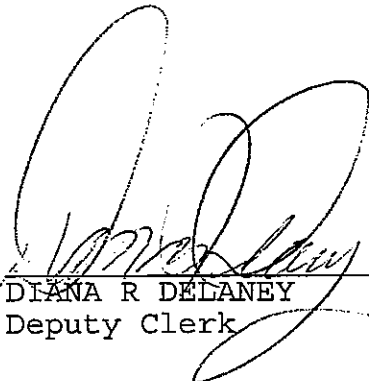
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY L YOUNG
PO BOX 223
FAIRFIELD, ID 83327

CAROL A MOONEY
1854 S MOONEY LN
HAMMETT, ID 83627
Phone: 208-587-7949

RICHARD M SCUDDER
SHARON L SCUDDER
6532 HIGHWAY 55
HORSESHOE BEND, ID 83629

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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07/20/09