

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 75-14484

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 2009	
By _____	Clerk
Deputy Clerk	

NAME AND ADDRESS: GREG COLVIN
PO BOX 4
ELLIS, ID 83235

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS
3.80 AFY

Right Nos. 75-14482 and 75-14484 are limited to a total combined diversion rate of 0.27 cfs and to a total combined annual volume of 50.4 AF.

PRIORITY DATE: 05/10/1979

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T16N R20E S24 LOT 4 (SWNE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	0.02 CFS
			3.80 AFY

PLACE OF USE: Irrigation Within Lemhi County
T16N R21E S18 LOT 12 (SESW) 4.6
S19 LOT 1 (NENW) 9.8
14.4 Acres Total

Right Nos. 75-14482 and 75-14484 are limited to the irrigation of a combined total of 14.4 acres in a single irrigation season.

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

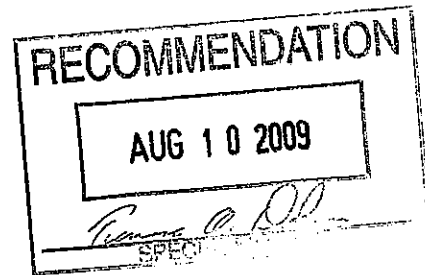
This right is based upon an enlargement of Right No. 75-14482 pursuant to Section 42-1426, Idaho Code.

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.

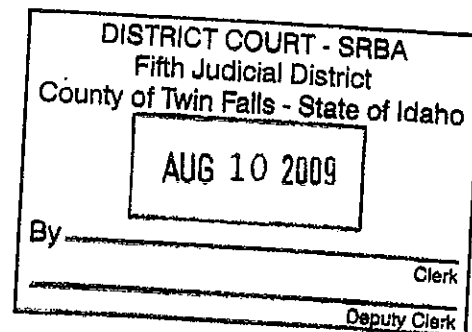
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

AUG 11 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 75-2179 (75-14482 & 75-14483)
	)	and 75-10708 (75-14484 & 75-14485)
	)	(Colvin & Carlson)
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 claims 75-2179 and 75-10708 to Helen and Richard McDaniel for 3.16 cfs and .26 cfs from the Salmon River to irrigate 170.9 acres in Lemhi County from April 1 to October 31 with priority dates of October 17, 1957, and May 10, 1979, based on a license and beneficial use.

October 17, 2007 – the United States of America, Department of Interior, Bureau of Land Management filed *Objections* in subcases 75-2179 and 75-10708 objecting to place of use.

October 25, 2007 – IDWR filed a *Notice of Completed Administrative Proceeding* in subcases 75-2179 and 75-10708 splitting the claims:

75-2179:

75-14482 – Helen and Richard McDaniel

75-14483 – Thomas and Evelyn Carlson, P.O. 206, Leadore, Idaho, 83464

75-10708:

75-14484 – McDaniel

75-14485 – Carlson

May 19, 2008 – IDWR filed an *NCAP* in subcases 75-14482 and 75-14484 for substitution of parties with the new claimant as Greg Colvin, P.O. Box 4, Ellis, Idaho, 83235.

June 27, 2008 – IDWR filed an *NCAP* in subcases 75-14483 and 75-14485 (Carlson) for a transfer in place of use.

February 9, 2009 – IDWR filed another *NCAP* in subcases 75-14483 and 75-14485 (Carlson) for a transfer in place of use.

January 20, 2009 – IDWR filed an *NCAP* in subcases 75-14482 and 75-14484 (Colvin) for a transfer in point of diversion.

March 4, 2009 – the Special Master entered an *Order Dismissing Objection* dismissing the United States' *Objections* in all six (6) of the above subcases based on its *Notice of Voluntary Dismissal of Objection*.

April 8, 2009 – IDWR filed its last *NCAP* in subcases 75-14482 and 75-14484 (Colvin) for a transfer in point of diversion.

Conclusions of Law

1. Mr. Colvin is entitled to partial decrees adjudicating water rights as described in IDWR's April 8, 2009 *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14482 and 75-14484*;
2. The Carlsons are entitled to partial decrees adjudicating water rights as described in IDWR's February 9, 2009 *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14483 and 75-14485*; and
3. The parties are **not** entitled to partial decrees for claims 75-2179 and 75-10708 because those claims were split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 75-2179 and 75-10708 be **disallowed**.

DATED August 10, 2009



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 10 2009	
By _____	Clerk
Deputy Clerk	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

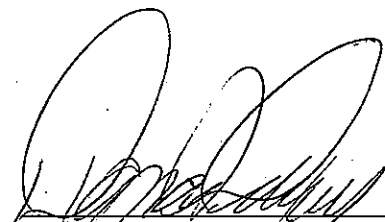
Water Right(s): 75-02179
75-10708 75-14482 75-14483
75-14484 75-14485

On August 10, 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 August 10, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 10 2009	
By _____	Clerk
Deputy Clerk	

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CERTIFICATE OF MAILING

Water Right(s): 75-02179
75-10708 75-14482 75-14483
75-14484 75-14485

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 August 10, 2009, with sufficient first-class postage prepaid to the following:

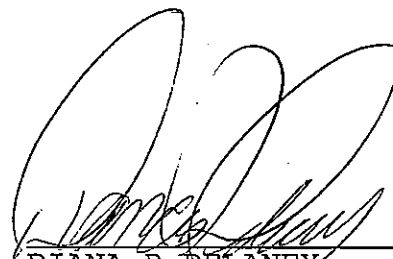
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

HELEN B MC DANIEL
RICHARD M MC DANIEL
PO BOX 13
ELLIS, ID 83235
Phone: 208-876-4232

EVELYN R CARLSON
THOMAS H CARLSON
PO BOX 206
LEADORE, ID 83464

GREG COLVIN
PO BOX 4
ELLIS, ID 83235

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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08/10/09