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AUG 17 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 14 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 73-127 and 73-12041
	)	(Simpson)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

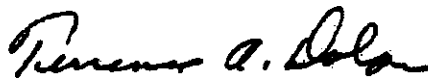
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. He recommended claims 73-127 and 73-12041 to Patrick and Karen Simpson, P.O. Box 414, Hailey, Idaho, 83333, for 3.2 cfs and 3.82 cfs from Morgan Creek and North Fork Morgan Creek for stockwater use from April 1 to December 1 and to irrigate 46.5 acres in Lemhi County from April 1 to July 15 or October 31 with priority dates of March 1, 1908, and June 16, 1917, based on a decree and beneficial use.

The Simpsons filed an *Objection* in both subcases on December 10, 2007, objecting to place of use. On August 11, 2009, during the initial hearing, the Simpsons moved to withdraw their *Objections* and their motion was granted on the record.

Conclusions of Law

The Simpsons are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-127 and 73-12041*.

DATED August 14, 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 73-00127

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 14 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: KAREN JEAN SIMPSON
PATRICK E SIMPSON
PO BOX 414
HAILEY, ID 83333

SOURCE: MORGAN CREEK TRIBUTARY: PAHSIMEROI RIVER
NORTH FORK MORGAN CREEK TRIBUTARY: MORGAN CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 03/01/1908

POINT OF DIVERSION: T16N R21E S36 NESE Within Lemhi County
R22E S31 LOT 6 (SNNW)
LOT 8 (NWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R21E S36	NESE 4.1 SWSE 13.0
		SESE 11.0
	R22E S31 LOT 5	(SNNW) 0.7 LOT 8 (NWSW) 10.0
	LOT 7	(NWSW) 1.2 LOT 9 (NWSW) 5.9
	LOT 10	(SWSW) 0.6
	46.5 Acres Total	

Right Nos. 73-127 and 73-12041 are limited to the irrigation of
a combined total of 46.5 acres in a single irrigation season.

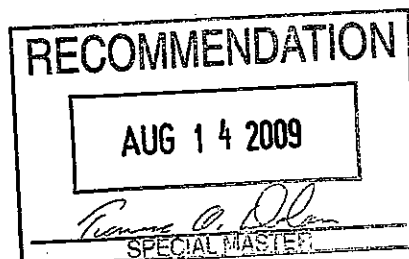
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

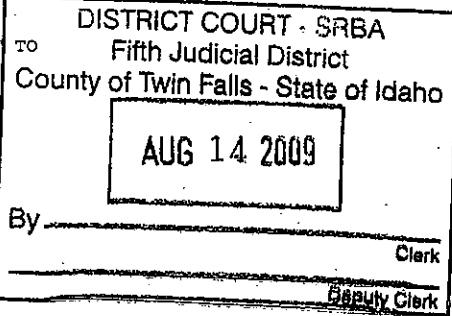
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 73-12041



NAME AND ADDRESS: PATRICK E SIMPSON
PO BOX 414
HAILEY, ID 83333

SOURCE: MORGAN CREEK TRIBUTARY: PAHSIMEROI RIVER
NORTH FORK MORGAN CREEK TRIBUTARY: MORGAN CREEK

QUANTITY: 3.82 CFS

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

PRIORITY DATE: 06/16/1917

POINT OF DIVERSION: T16N R21E S36 NESE Within Lemhi County
R22E S31 LOT 6 (SNNW)
LOT 8 (NWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 07-15	3.82 CFS
	Stockwater	04-01 TO 12-01	0.05 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R21E S36	NESE 4.1 SESE 11.0 SWSE 13.0
	R22E S31 LOT 5	(SNNW) 0.7 LOT 7 (NWSW) 1.2
	LOT 8	(NWSW) 10.0 LOT 9 (NWSW) 5.9
	LOT 10	(SWSW) 0.6
	46.5 Acres Total	
	Stockwater	Within Lemhi County
	T16N R21E S36	NESE SESE SWSE
	R22E S31 LOT 5	(SNNW) LOT 8 (NWSW)
	LOT 7	(NWSW) LOT 9 (NWSW)
	LOT 10	(SWSW)

Right Nos. 73-127 and 73-12041 are limited to the irrigation of
a combined total of 46.5 acres in a single irrigation season.

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

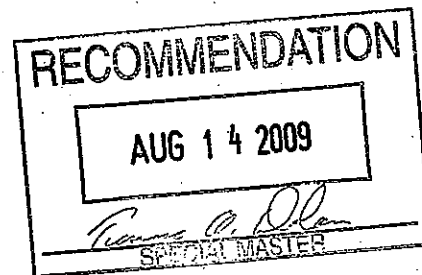
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 14 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

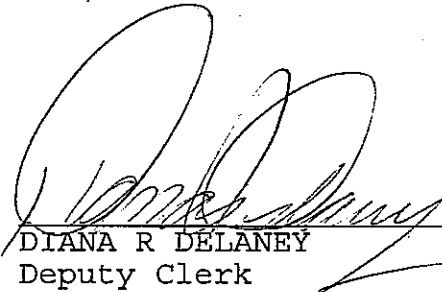
Water Right(s): 73-00127
73-12041

On August 14, 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.

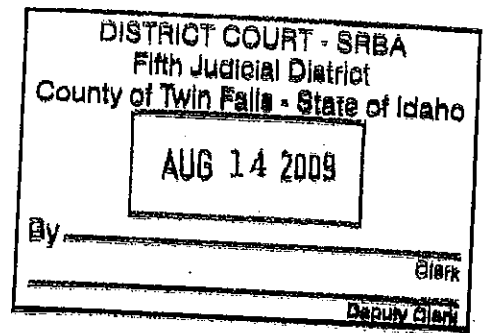
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 14, 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

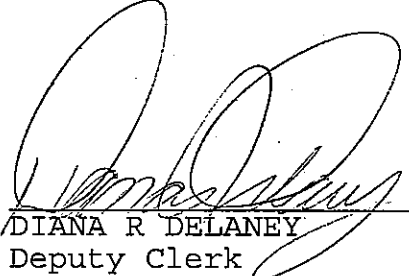
Water Right(s): 73-00127
73-12041

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 14, 2009, with sufficient first-class postage prepaid to the following:

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

KAREN JEAN SIMPSON
PATRICK E SIMPSON
PO BOX 414
HAILEY, ID 83333
Phone: 208-788-4413



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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08/14/09