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AUG 28 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 27 2009	
By _____	Clark
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 75-2179 (75-14482 & 75-14483)
	)	and 75-10708 (75-14484 & 75-14485)
	)	(Colvin & Carlson)
Case No. 39576	)	
	)	
	)	AMENDED 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 an *NCAP* in subcases 75-14482 and 75-14484 (Colvin) for a transfer in point of diversion.

August 10, 2009 – *Special Master Report and Recommendation* filed.

August 24, 2009 – IDWR filed an amended *NCAP* in subcases 75-14482 and 75-14484 (Colvin) for a transfer in point of diversion adding Beverly Colvin as a co-claimant.

Conclusions of Law

1. Beverly and Greg Colvin are entitled to partial decrees adjudicating water rights as described in IDWR's April 8 and August 24, 2009 *NCAPs* and the attached amended *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 27, 2009

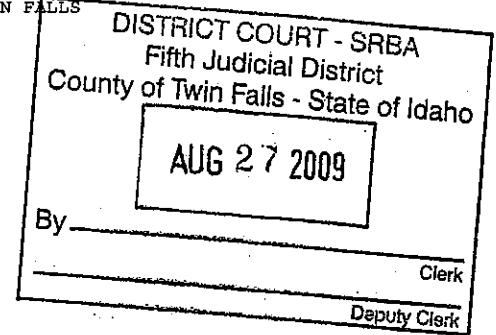


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 75-14482



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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.26 CFS
46.60 AFY

Right Nos. 75-14482 and 75-14484 are limited to a total combined diversion rate of 0.26 cfs and to a total combined annual diversion volume of 50.4 AF at the field headgate. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE: 10/17/1957

POINT OF DIVERSION: T16N R21E S18 LOT 12 (SESW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.26 CFS 46.60 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. This right is limited to the irrigation of 13.3 acres within the place of use described above in a single irrigation season.

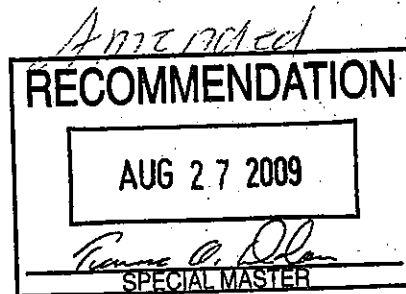
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

AUG 27 2009

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 75-14483

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: EVELYN R CARLSON
THOMAS H CARLSON
PO BOX 206
LEADORE, ID 83464

SOURCE: GROUND WATER TRIBUTARY: SALMON RIVER

QUANTITY: 2.89 CFS
506.40 AFY

Right Nos. 75-14483 and 75-14485 are limited to a total combined
diversion rate of 2.89 cfs.
The rights listed below are limited to a total combined annual
diversion volume of 547.8. Combined Right Nos.: 75-7420, 75-7530,
75-14483 & 75-14485.

PRIORITY DATE: 10/17/1957

POINT OF DIVERSION: T16N R20E S24 LOT 4 (SESWNE) Within Lemhi County
LOT 9 (SESWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.89 CFS 506.40 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R20E S24 LOT 1 (NENE)43.0	LOT 4 (SWNE)19.0
	SENE 32.0	LOT 9 (SWSW)19.0
	LOT 10 (SESW) 9.5	
	R21E S19 LOT 2 (NWNW)22.0	LOT 3 (SWNW)12.0
	156.5 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 156.5 acres in a single irrigation season.
Combined Right Nos.: 75-7420, 75-7530, 75-14483 & 75-14485

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

Failure of the right holder to comply with the conditions of
transfer 74829 is cause for the Director to rescind approval of
the transfer.

Diversion of ground water is limited to those times water is
available for idversion under this right and priority from the
Salmon River at the original points of diversion located in
NWNWSE, S24 and NENWNW, S25, T16N, R20E.

The right holder shall accomplish the change authorized by
transfer 74829 within one year of December 30, 2008.

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

Amended
RECOMMENDATION

AUG 27 2009

Thomas P. Olson
SPECIAL MASTER

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

AUG 27 2009

By _____ Clerk

Deputy Clerk

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14484

NAME AND ADDRESS: BEVERLY COLVIN
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 0.26 cfs and to a total combined annual diversion volume of 50.4 AF at the field headgate. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

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 R21E S18 LOT 12 (SESW) 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:

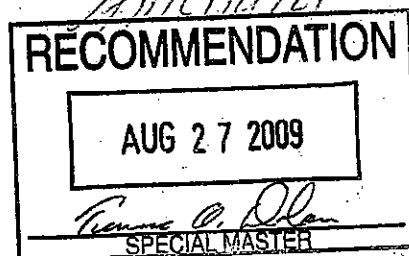
This right is based upon an enlargement of Right No. 75-14482 pursuant to Section 42-1426, Idaho Code.

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.

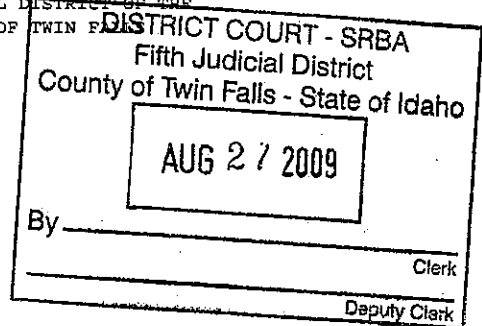
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 75-14485



NAME AND ADDRESS: EVELYN R CARLSON
THOMAS H CARLSON
PO BOX 206
LEADORE, ID 83464

SOURCE: GROUND WATER TRIBUTARY: SALMON RIVER

QUANTITY: 0.24 CFS
41.40 AFY

Right Nos. 75-14483 and 75-14485 are limited to a total combined diversion rate of 2.89 cfs.
The rights listed below are limited to a total combined annual diversion volume of 547.8. Combined Right Nos.: 75-7420, 75-7530, 75-14483 & 75-14485.

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 (SESWNE) Within Lemhi County
LOT 9 (SESWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.24 CFS 41.40 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R20E S24 LOT 1 (NENE) 43.0	LOT 4 (SWNE) 19.0
	SENE 32.0	LOT 9 (SWSW) 19.0
	LOT 10 (SESW) 9.5	
	R21E S19 LOT 2 (NWNW) 22.0	LOT 3 (SWNW) 12.0
	156.5 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 156.5 acres in a single irrigation season.
Combined Right Nos.: 75-7420, 75-7530, 75-14483 & 75-14485

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

Failure of the right holder to comply with the conditions of transfer 74829 is cause for the Director to rescind approval of the transfer.

Diversion of ground water is limited to those times water is available for idversion under this right and priority from the Salmon River at the original points of diversion located in NNNWSE, S24 and NENWNW, S25, T16N, R20E.

The right holder shall accomplish the change authorized by transfer 74829 within one year of December 30, 2008.

This right is based upon an enlargement of Right No. 75-14483 pursuant to Section 42-1426, Idaho Code.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

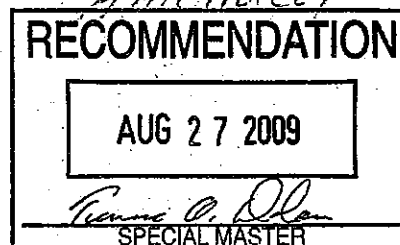
OTHER PROVISIONS (continued)

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 27 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

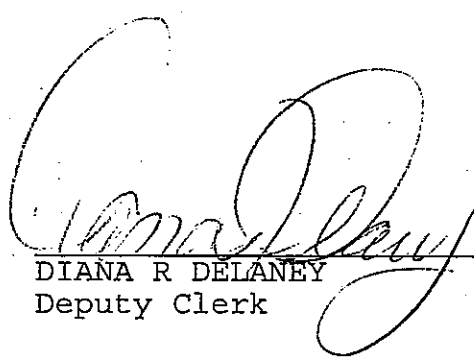
Water Right(s): 75-02179
75-10708 75-14482 75-14483
75-14484 75-14485

On August 27, 2009, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

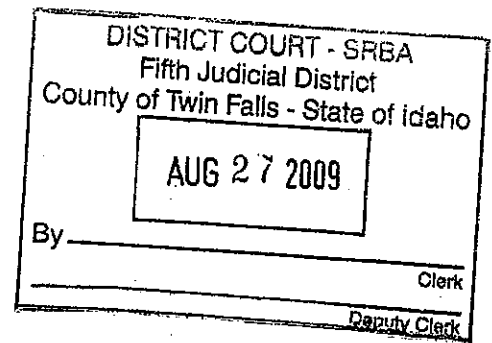
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 27, 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): 75-02179
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 27, 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

BEVERLY COLVIN
GREG COLVIN
PO BOX 4
ELLIS, ID 83235

CERTIFICATE OF MAILING

A handwritten signature in black ink, appearing to read "Diana R Delaney".

DIANA R DELANEY
Deputy Clerk

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08/26/09