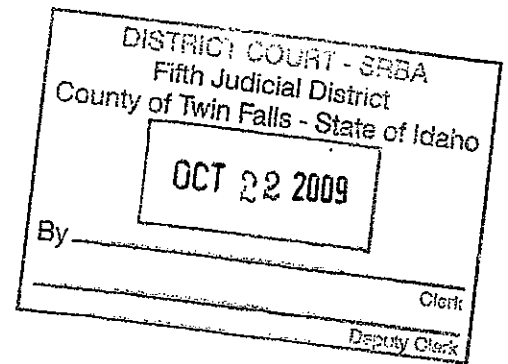


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OCT 23 2009

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 75-4494A and 75-4496A
	)	(Bishop)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
	)	
	)	

Findings of Fact

On November 17, 2008, SRBA Presiding Judge Barry Wood entered *Partial Decrees* for water rights 75-4494A and 75-4496A awarding to Madeline and William Bishop, 24 Hull Creek Road, P.O. Box 236, North Fork, Idaho, 83466, .4 cfs from the North Fork Salmon River and Hull Creek for stockwater use and to irrigate 13 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1908. On June 5, 2008, the Bishops filed *Objections* in both subcases objecting to quantity.

On December 5, 2008, Judge Melanson entered an *Order of Reference Appointing Special Master Terrence A. Dolan* "to issue a recommendation . . . as to the underlying merits as to how the *Partial Decrees* should be amended, if it is determined that said *Partial Decrees* should be set aside or amended." On October 9, 2009, the Bishops and IDWR filed *Standard Forms 5* agreeing to amended quantities and remarks if the *Partial Decrees* are set aside.

Conclusions of Law

The Bishops have shown good cause to have the *Partial Decrees* in subcases 75-4494A and 75-4496A set aside and amended as described in the *SF-5s*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* in subcases 75-4494A and 75-4496A be set aside and amended as described in the *SF-5s* and the attached *Special Master Recommendations for Amended Partial Decrees for Water Rights 75-4494A and 75-4496A*.

DATED October 22, 2009.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

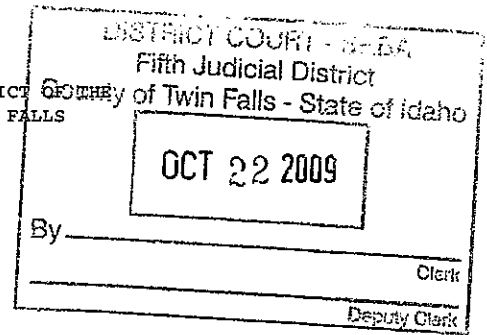
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 75-04494A



NAME AND ADDRESS: MADELINE CAROL BISHOP
WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK, ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.26 CFS

Right Nos. 75-4494A and 75-4496A are limited to a total combined
diversion rate of 0.39 cfs.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S28 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.26 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T25N R21E S28	SWNW 4.5	NWSW 8.0
	S29	SENE 0.5	
	13.0 Acres Total		
	Stockwater		Within Lemhi County
	T25N R21E S28	SWNW	NWSW
	S29	SENE	

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

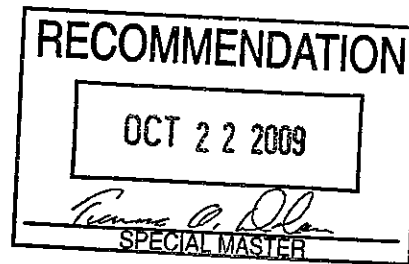
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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

County of Twin Falls - State of Idaho

AMENDED

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-04496A

OCT 22 2009

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: MADELINE CAROL BISHOP
WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK, ID 83466

SOURCE: HULL CREEK TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.39 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.39 cfs.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S29 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.39 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:			
Irrigation			Within Lemhi County
T25N R21E S28	SWNW 4.5		NWSW 8.0
S29	SENE 0.5		
13.0 Acres Total			
Stockwater			Within Lemhi County
T25N R21E S28	SWNW		NWSW
S29	SENE		

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

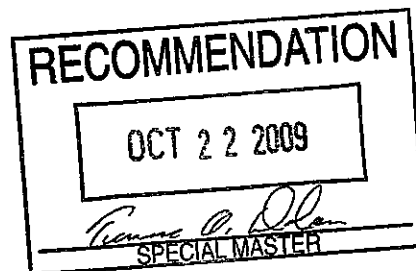
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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



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OCT 23 2009

Department of Water Resources

DISTRICT COURT	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 22 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

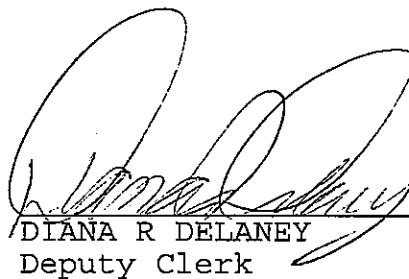
Water Right(s): 75-04494A
75-04496A

On October 22, 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 October 22, 2009.

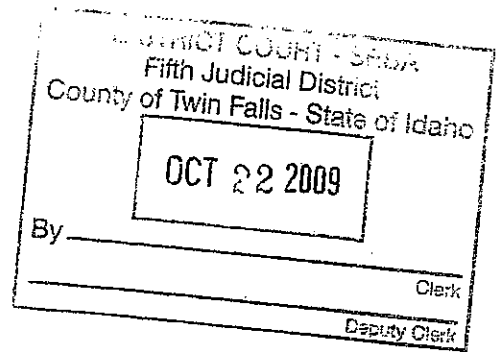


DIANA R DELANEY
Deputy Clerk

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OCT 23 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)

Case No. 39576)

CERTIFICATE OF MAILING

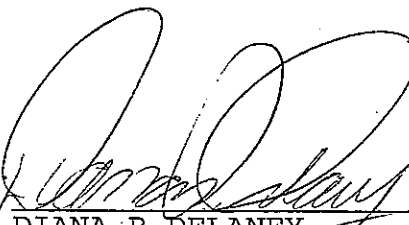
Water Right(s) : 75-04494A
75-04496A

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 October 22, 2009, with sufficient first-class postage prepaid to the following:

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

MADELINE CAROL BISHOP
WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK, ID 83466
Phone: 208-865-2465


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/22/09