

RECEIVED

NOV 03 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 2 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 75-14514, 75-14596, 75-14597,
	)	75-14598 and 75-14599
	)	(Hutchings, Osgoods and Jones)
	)	
Case No. 39576	)	ORDER REQUESTING AMENDED
_____	)	DIRECTOR'S REPORT

On October 15, 2008, SRBA Presiding Judge John M. Melanson entered a *Partial Decree* for water right 75-14514 awarding to Irene and Marvin Hutchings 3.01 cfs from Twelvemile Creek to irrigate 60.1 acres in Lemhi County from April 1 to October 31 with a priority date of March 14, 1889.

On August 28, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* splitting 75-14514 into 75-14596 (Hutchings, 2.83 cfs / 56.6 acres) and 75-14597 (David and Sharon Osgood, .18 cfs / 3.5 acres). The same date, IDWR filed another *NCAP* splitting 75-14596 into 75-14598 (Hutchings, 2.68 cfs / 53.6 acres) and 75-14599 (D. Scott and Kimberlee Jones, .15 cfs / 3 acres).

On August 20, 2009, the Hutchings wrote to the SRBA Court essentially asking the Court to set aside that *portion* of *Partial Decree* 75-14514 which the Hutchings still own (75-14598). They alleged that the 53.6 acres they retained under water right 75-14598 should actually be 4.5 acres larger because there were fewer historically irrigated acres in *Partial Decree* 75-14514 than originally claimed.

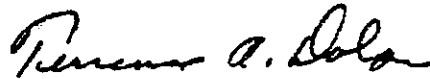
A hearing on the Hutchings' motion to set aside a portion of *Partial Decree* 75-14514 was held on October 22, 2009. The Hutchings appeared *pro se*; the Joneses appeared *pro se*; Sharon J. Osgood appeared *pro se*; and Nicholas B. Spencer appeared for IDWR, along with

Monica Van Bussum and Suzy Cooley-Denney. None of the parties and IDWR opposed the Hutchings' motion to set aside the portion of *Partial Decree* 75-14514 retained by the Hutchings because none of the other parties' water rights will be reduced – they will remain the same.

THEREFORE, IT IS ORDERED that:

1. IDWR shall file with the SRBA Court a proposed amended partial decree for water right 75-14598 no later than **Friday, May 28, 2010**;
2. Objections to the director's report and recommendation shall be filed with the SRBA Court no later than **Monday, June 28, 2010**; and
3. A status conference shall be held on **Thursday, July 8, 2010, 10:00 a.m.** Parties may participate by telephone by dialing 1-225-383-1099 and when prompted, entering the code 654400.

DATED November 2, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUESTING AMENDED DIRECTOR'S REPORT was mailed on November 02, 2009, with sufficient first-class postage to the following:

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

DAVID R OSGOOD
SHARON J OSGOOD
1115 HWY 93 S
SALMON, ID 83467
Phone: 208-756-3968

IRENE HUTCHINGS
MARVIN C HUTCHINGS
1141 HWY 93 S
SALMON, ID 83467

D SCOTT JONES
KIMBERLEE JONES
549 E 300 N
HYRUM, UT 83419
Phone: 435-770-2426