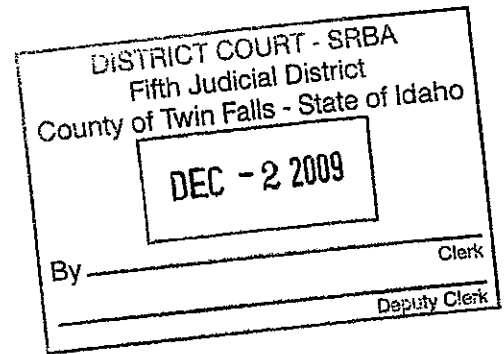


RECEIVED
DEC 03 2009
DEPARTMENT OF
WATER RESOURCES



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 45-256A, 45-284C and 45-286
	)	(Potter, Northcott, Broadie & Stuhlberg)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

On October 4, 2005, the Special Master entered a *Report and Recommendation* in subcase 45-2663 and based on that, SRBA Presiding Judge John M. Melanson entered an *Order of Partial Decree* on December 7, 2005. Three overlapping uncontested claims were omitted from the *Report* and *Order*.

The three claims are 45-256A, 45-284C and 45-286 recommended by the Director of the Idaho Department of Water Resources for 3.35 cfs, .51 cfs and 1.2 cfs from Howell Creek, Pine Creek and Antone Creek to irrigate 167.7 acres in Cassia County from April 1 to October 31 with priority dates of April 12, 1892, April 1, 1875, and September 1, 1880, based on a decree. The claimants are:

Mary May Potter
P.O. Box 993
Ketchum, ID 83340

Deborah Broadie
222 Picabo Cutoff Road
Carey, ID 83320

Jolene Northcott
1836 South, 2000 East #B
Gooding, ID 83330

Elizabeth Stuhlberg
938 4th Avenue Drive
Jerome, ID 83338.

Conclusions of Law

The claimants 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 45-256A, 45-284C and 45-286*.

DATED December 2, 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 45-00256A

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

DEC - 2 2009

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS:

MARY MAY POTTER
PO BOX 993
KETCHUM, ID 83340

JOLENE NORTHCOTT
1836 S 2000 E #B
GOODING, ID 83330

DEBORAH BROADIE
222 PICABO CUTOFF RD
CAREY, ID 83320

ELIZABETH STUHLBERG
938 4TH AVE DR
JEROME, ID 83338

SOURCE:

HOWELL CREEK TRIBUTARY: MARSH CREEK
PINE CREEK TRIBUTARY: ANTONE CREEK
ANTONE CREEK TRIBUTARY: UNNAMED STREAM

QUANTITY:

3.35 CFS

PRIORITY DATE:

04/12/1892

POINT OF DIVERSION:

T12S R25E S21	SENWSW Within Cassia County
S22	SWNWSW
	SWNWSW (Rediversion)
S27	SWSWNW (Rediversion)
	SWSWNW
S28	SENESE
	SENESE (Rediversion)
	SENESE (Rediversion)
	SENESE
	SESWSE (Injection)
S33	SWNWNW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	3.35 CFS

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Irrigation		Within Cassia County
T12S R25E S21	NENE 40.0	SENE 40.0
	NESE 40.0	
S22	NWNW 3.3	SWNW 3.3
	NWSW 3.3	SWSW 8.9
S27	NWNW 14.0	SWNW 4.1
S28	NENE 8.0	SENE 2.8
167.7 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON.

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

PLACE OF USE (continued)

COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.

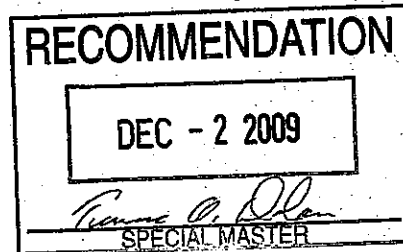
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
DEC - 2 2009
By _____ Clerk

Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-00284C

NAME AND ADDRESS: MARY MAY POTTER
PO BOX 993
KETCHUM, ID 83340

JOLENE NORTHCOTT
1836 S 2000 E #B
GOODING, ID 83330

DEBORAH BROADIE
222 PICABO CUTOFF RD
CAREY, ID 83320

ELIZABETH STUHLBERG
938 4TH AVE DR
JEROME, ID 83338

SOURCE: HOWELL CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.51 CFS

PRIORITY DATE: 04/01/1875

POINT OF DIVERSION: T12S R25E S21 SENWSW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.51 CFS

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Cassia County
T12S R25E S21	NENE 40.0	SENE 40.0
	NESE 39.0	
S22	NWNW 3.7	SWNW 5.8
	NWSW 1.4	
129.9 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2663. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

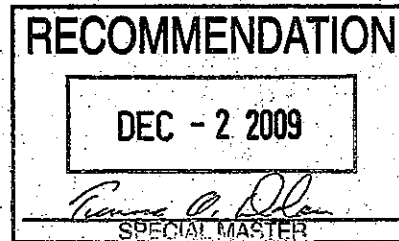
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

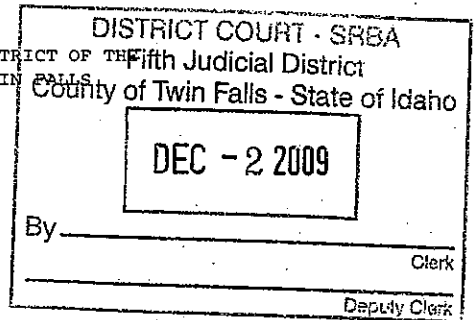
RULE 54(b) CERTIFICATE

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



In Re SRBA)
Case No. 39576)
_____)

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

Water Right 45-00286

NAME AND ADDRESS:

MARY MAY POTTER
PO BOX 993
KETCHUM, ID 83340

JOLENE NORTHCOTT
1836 S 2000 E #B
GOODING, ID 83330

DEBORAH BROADIE
222 PICABO CUTOFF RD
CAREY, ID 83320

ELIZABETH STUHLBERG
938 4TH AVE DR
JEROME, ID 83338

SOURCE: HOWELL CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 1.20 CFS

PRIORITY DATE: 09/01/1880

POINT OF DIVERSION: T12S R25E S21 SENWSW Within Cassia County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-04 TO 10-31	1.20 CFS

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Irrigation		Within Cassia County
T12S R25E S21	NENE 40.0	SENE 40.0
	NESE 39.0	
S22	NWNW 3.7	SWNW 5.8
	NWSW 1.4	
129.9 Acres Total		

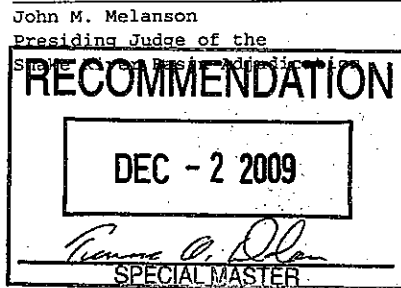
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-284C, 45-286, and 45-2663. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 119 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

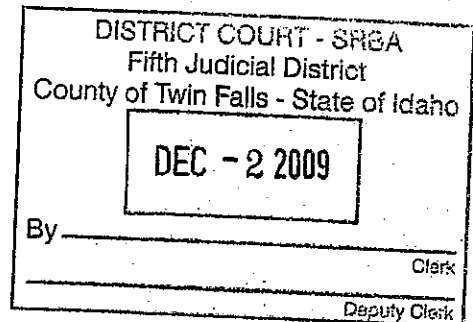
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.





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): 45-00256A
45-00284C 45-00286

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 December 02, 2009, with sufficient first-class postage prepaid to the following:

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

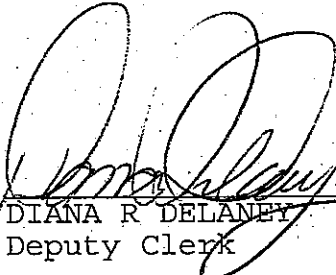
MARY MAY POTTER
PO BOX 993
KETCHUM, ID 83340
Phone: 208-788-3413

JOLENE NORTHCOTT
1836 S 2000 E #B
GOODING, ID 83330
Phone: 208-934-4170

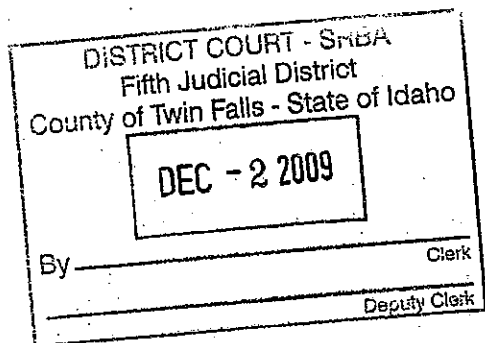
DEBORAH BROADIE
222 PICABO CUTOFF RD
CAREY, ID 83320
Phone: 208-788-4455

CERTIFICATE OF MAILING

ELIZABETH STUHLBERG
938 4TH AVE DR
JEROME, ID 83338
Phone: 208-324-4855



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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

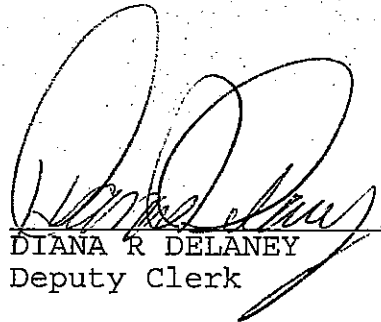
Water Right(s): 45-00256A
45-00284C 45-00286

On December 02, 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 December 02, 2009.


DIANA R DELANEY
Deputy Clerk