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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 5 2010	
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 75-83B, et al.
	)	(see attached list of 41 subcases)
	)	"Lower Wallace Creek"
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	AND RECOMMENDATION

Findings of Fact

Director's Reports:

January 11, 2007 – 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 originally recommended 28 of the above 41 claims be decreed for between .02 cfs and 3 cfs from Wallace Creek for year-'round domestic use and to irrigate between 2 and 15 acres in Lemhi County from April 1 to October 31 or November 1 or March 15 to July 1 with priority dates between May 13, 1898, and April 1, 1949, based on a decree or beneficial use. The Director recommended 9 of those claims be disallowed – recommended as other claims.

August 26, 2009

IDWR filed an *Amended Director's Report* on August 26, 2009, in 27 of the above 41 subcases. The Director recommended that the 27 recommendations be amended, including 12 water rights that have already been partially decreed.

August 31, 2009

The Director filed his *Director's Report for Subcase Numbers 75-14554, 75-14555, 75-14577, and 75-14586* on August 31, 2009, recommending the four claims for .04 cfs, .05 cfs, .03 cfs and .05 cfs from Wallace Creek to irrigate 4.4 acres, 4.4 acres, 2.3 acres and 3.9 acres in

Lemhi County from April 1 to October 31 with priority dates of May 13, 1898, and June 1, 1902, based on a decree.

Conclusions of Law

1. No one has objected to the August 26 and 31, 2009 *Director's Reports*;
2. Good cause has been shown to set aside the 12 *Partial Decrees* (see attachment) in order to fairly and accurately allocate the available water amongst the claimants;
3. The claimants are entitled to partial decrees and amended partial decrees as recommended by IDWR in the January 11, 2007 *Director's Report* (75-10330) and the August 26 and 31, 2009 *Director's Reports* and as described in the attached *Special Master Recommendations for Partial Decrees*; and
4. The claimants are **not** entitled to water rights for the ~~12~~ claims recommended to be disallowed by IDWR (see attachment).

Recommendations

THEREFORE, IT IS RECOMMENDED that:

1. The 12 *Partial Decrees* be set aside and amended as recommended by IDWR;
2. The 12 claims recommended for disallowal by IDWR be **denied**; and
3. The remaining 17 claims be decreed as recommended by IDWR.

DATED February 5, 2010.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

ATTACHMENT

75-83B *	SHILEY
75-83C *	MAXWELL
75-83K	OLSEN
75-84G	BOURDON
75-84H	OLSEN
75-10330	MAXWELL
75-13948 *	ARRINGTON
75-13950 *	ARRINGTON
75-13986 *	GOSACK
75-13988 *	GOSACK
75-14091	MARCUS
75-14095	FARLEY
75-14096	GOOBY
75-14097	FARLEY
75-14098	GOOBY
75-14162	FARLEY
75-14163	FARLEY
75-14164	FARLEY
75-14197	PHILLIPS
75-14269	LEWIS
75-14305	BOURDON
75-14306	GEIDEL
75-14381	FREDDE HOWARTH-NOTT SEPARATE PROPERTY TRUST
75-14382	ANDERSON
75-14383	FREDDE HOWARTH-NOTT SEPARATE PROPERTY TRUST
75-14384	ANDERSON
75-14432	MAXWELL
75-14433 *	HEFFNER
75-14434	MAXWELL
75-14435 *	HEFFNER
75-14437	YANOFF
75-14438	YANOFF
75-14440	YANOFF
75-14444 *	ARRINGTON
75-14445 *	PENSCO TRUST CO.
75-14446 *	ARRINGTON
75-14447 *	PENSCO TRUST CO.
75-14554	SHEFTS
75-14555	SHEFTS
75-14577	MAXWELL
75-14586	CLAY

41 Total Subcases

Bold = recommended disallow (12 claims)

* = Partial Decrees

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 75-00083B

NAME AND ADDRESS: LAWRENCE L SHILEY
SHIRLEY E CLAY
PO BOX 136
CARMEN, ID 83462

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7. (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 11 (NESW) 0.2 LOT 13 (SESW) 3.7
3.9 Acres Total

Right Nos. 75-83B and 75-14586 are limited to the irrigation of
a combined total of 3.9 acres in a single irrigation season.

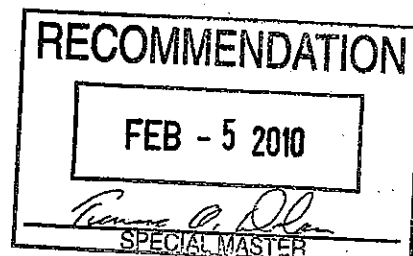
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
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 75-00083C

NAME AND ADDRESS: WILLIAM ROBERT MAXWELL
PO BOX 256
CARMEN, ID 83462

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County
LOT 7 (NWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-01	0.02 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 7 (NWSW) 2.3
2.3 Acres Total

Domestic Within Lemhi County
T22N R22E S06 LOT 7 (NWSW)

Right Nos. 75-83C and 75-14577 are limited to the irrigation of
a combined total of 2.3 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 domestic
use is not a determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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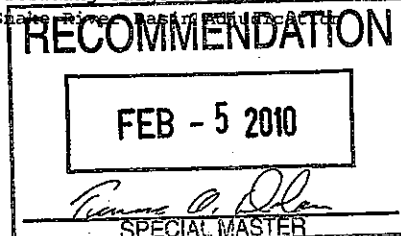
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Presiding Judge of the

State of Idaho



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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10330

NAME AND ADDRESS: WILLIAM ROBERT MAXWELL
PO BOX 256
CARMEN, ID 83462

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.09 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION: T22N R21E S01 LOT 6 (NESE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.09 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 7 (NWSW) 3.0
3.0 Acres Total

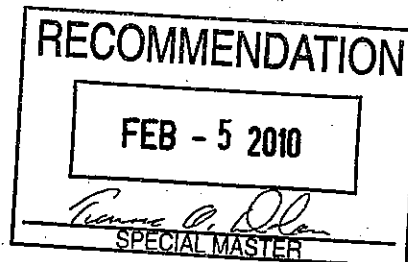
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Presiding Judge of the
Snake River Basin Adjudication



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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 75-13948

NAME AND ADDRESS: IRENE ARRINGTON
L ARDEN ARRINGTON
BOX 1110
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 11 (NESW) 4.0
4.0 Acres Total

Right Nos. 75-13948 and 75-13950 are limited to the irrigation
of a combined total of 4 acres in a single irrigation season.

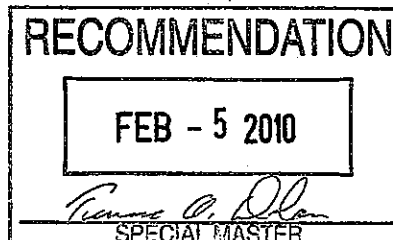
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-13950

NAME AND ADDRESS: IRENE ARRINGTON
L ARDEN ARRINGTON
BOX 1110
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 11 (NESW) 4.0
4.0 Acres Total

Right Nos. 75-13948 and 75-13950 are limited to the irrigation
of a combined total of 4 acres in a single irrigation season.

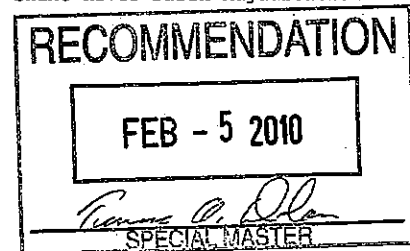
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-13986

NAME AND ADDRESS: JANET GOSACK
LAWRENCE R GOSACK
320 DIAMOND CREEK LN
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S06 LOT 9 (SWNE) 1.7	SENW 2.5
	4.2 Acres Total	

Right Nos. 73-13986 and 75-13988 are limited to the irrigation
of a combined total of 4.2 acres in a single irrigation season.

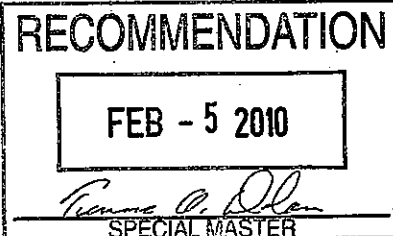
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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 75-13988

NAME AND ADDRESS: JANET GOSACK
LAWRENCE R GOSACK
320 DIAMOND CREEK LN
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 9 (SWNE) 1.7 SENW 2.5
4.2 Acres Total

Right Nos. 75-13986 and 75-13988 are limited to the irrigation
of a combined total of 4.2 acres in a single irrigation season.

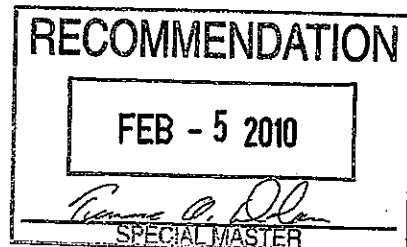
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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 75-14095

NAME AND ADDRESS: DAN F FARLEY
C/O SLAVIN LAW OFFICE
116 N CENTER ST
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.07 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 NWNE 0.4 LOT 4 (NENW) 0.5
T23N R22E S31 SESW 0.9 LOT 11 (SESW) 4.2
SWSE 2.2
8.2 Acres Total

Right Nos. 75-14095 and 75-14097 are limited to the irrigation
of a combined total of 8.2 acres in a single irrigation season.

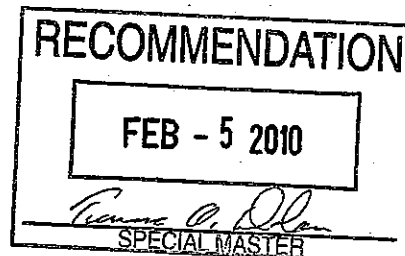
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14097

NAME AND ADDRESS: DAN F FARLEY
C/O SLAVIN LAW OFFICE
116 N CENTER ST
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S06	NWNE 0.4 LOT 4 (NENW) 0.5
	T23N R22E S31	SESW 0.9 LOT 11 (SESW) 4.2
		SWSE 2.2
	8.2 Acres Total	

Right Nos. 75-14095 and 75-14097 are limited to the irrigation
of a combined total of 8.2 acres in a single irrigation season.

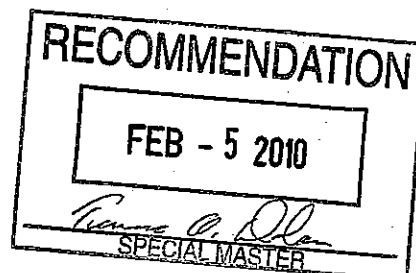
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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-14197

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON, ID 83467

SOURCE: IRON CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 3.00 CFS

PRIORITY DATE: 04/22/1931

POINT OF DIVERSION: T18N R21E S07 LOT 1 (NWNW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 07-01	3.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T18N R21E S07	SENE 11.0
	15.0 Acres Total	NESE 4.0

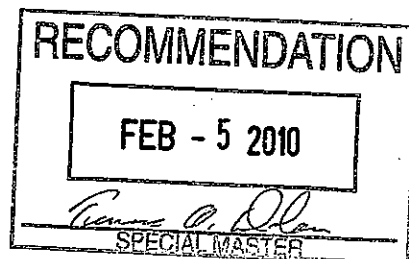
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Snake River Basin Adjudication



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 75-14269

NAME AND ADDRESS: DALLAS A LEWIS
VANCE E LEWIS
357 DIAMOND CREEK RD
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 3 (NWNE) 3.3 LOT 4 (NENW) 1.3
4.6 Acres Total

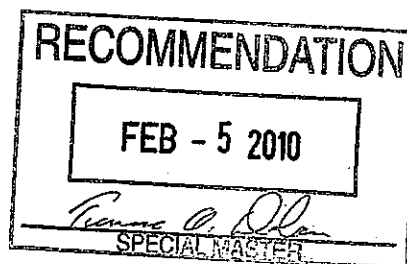
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
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 75-14381

NAME AND ADDRESS: FREDDE HOWARTH-NOTT SEPARATE
PROPERTY TRUST
PO BOX 1166
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.20 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

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

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 11 (NESW) 0.3 LOT 13 (SESW) 2.2
2.5 Acres Total

Right Nos. 75-14381 and 75-14383 are limited to the irrigation of
a combined total of 2.5 acres in a single irrigation season.

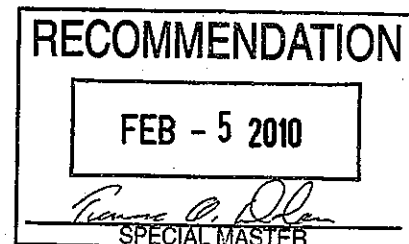
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Eric J. Wildman
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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-14382

NAME AND ADDRESS: LESLIE J ANDERSON
ROBERT ANDERSON
PO BOX 852
KETCHUM, ID 83340

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.01 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 9 (SWNE) 1.0
1.0 Acres Total

Right Nos. 75-14382 and 75-14384 are limited to the irrigation of
a combined total of 1.0 acre in a single irrigation season.

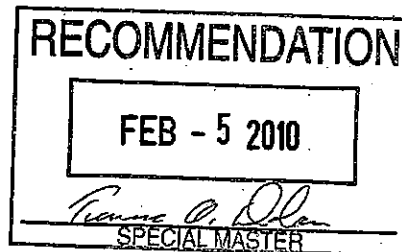
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Presiding Judge of the
Snake River Basin Adjudication



In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14383

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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 75-14384

NAME AND ADDRESS: LESLIE J ANDERSON
ROBERT ANDERSON
PO BOX 852
KETCHUM, ID 83340

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.01 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.01 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 9 (SWNE) 1.0
1.0 Acres Total

Right Nos. 75-14382 and 75-14384 are limited to the irrigation
of a combined total of 1.0 acre in a single irrigation season.

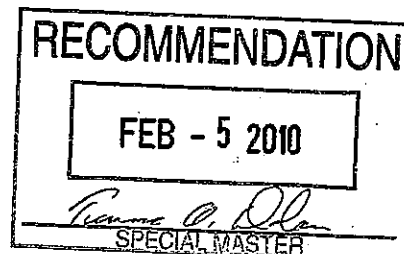
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14432

NAME AND ADDRESS: GERTRUDE I MAXWELL
PO BOX 1016
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.07 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 9 (SWNE) 0.4 SENW 0.3
LOT 11 (NESW) 5.7 LOT 11 (NWSE) 1.9
8.3 Acres Total

Right Nos. 74-14432 and 75-14434 are limited to the irrigation
of a combined total of 8.3 acres in a single irrigation season.

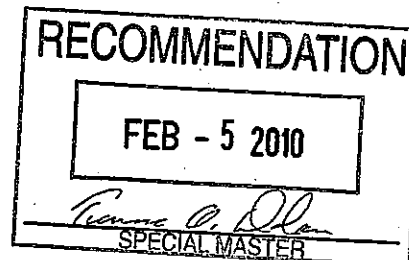
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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Snake River Basin Adjudication



In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 75-14433

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-14434

NAME AND ADDRESS: GERTRUDE I MAXWELL
 PO BOX 1016
 SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE: Irrigation Within Lemhi County
 T22N R22E S06 LOT 9 (SWNE) 0.4 SENE 0.3
 LOT 11 (NESW) 5.7 LOT 11 (NWSE) 1.9
 8.3 Acres Total

Right Nos. 75-14432 and 75-14434 are limited to the irrigation
of a combined total of 8.3 acres in a single irrigation season.

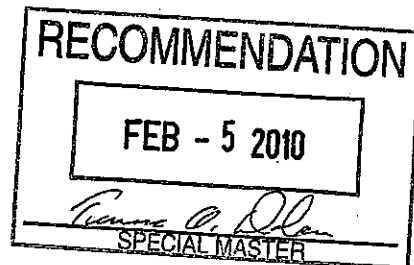
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14435

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14437

NAME AND ADDRESS: DAVID YANOFF
343 DIAMOND CREEK RD
SALMON, ID 83467-5298

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.07 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 3 (NWNE) 5.0 LOT 9 (SWNE) 1.8
LOT 4 (NENW) 1.2
8.0 Acres Total

Right Nos. 75-14437 and 75-14438 are limited to the irrigation
of a combined total of 8.0 acres in a single irrigation season.

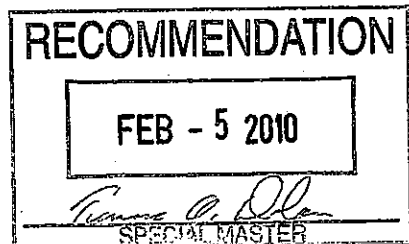
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 75-14438

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Jan-28-2010

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 75-14444

NAME AND ADDRESS: IRENE ARRINGTON
L ARDEN ARRINGTON
BOX 1110
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.03 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.03 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 SENW 3.2
3.2 Acres Total

Right Nos. 75-14444 and 75-14446 are limited to the irrigation
of a combined total of 3.2 acres in a single irrigation season.

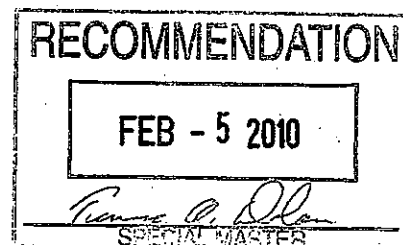
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14445

PAGE 1
Jan-28-2010

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 75-14446

NAME AND ADDRESS: IRENE ARRINGTON
L ARDEN ARRINGTON
BOX 1110
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 SENW 3.2
3.2 Acres Total

Right Nos. 75-14444 and 75-14446 are limited to the irrigation
of a combined total of 3.2 acres in a single irrigation season.

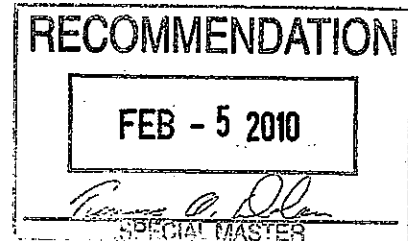
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In Re SRBA) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-14447

PAGE 1
Jan-28-2010

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14554

NAME AND ADDRESS: CAROL ANNE SHEFTS
GREGORY MARTIN SHEFTS
703 RIVERFRONT DR
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION: T22 R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 NWNE 0.9 LOT 3 (NWNE) 1.9
LOT 4 (NENW) 1.6
4.4 Acres Total

Right Nos. 75-14554 and 75-14555 are limited to the irrigation of
a combined total of 4.4 acres in a single irrigation season.

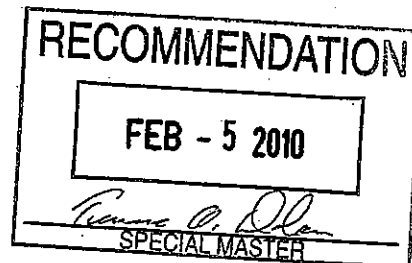
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14555

NAME AND ADDRESS: CAROL ANNE SHEFTS
GREGORY MARTIN SHEFTS
703 RIVERFRONT DR
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22 R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 NWNE 0.9 LOT 3 (NWNE) 1.9
LOT 4 (NENW) 1.6
4.4 Acres Total

Right Nos. 75-14554 and 75-14555 are limited to the irrigation of
a combined total of 4.4 acres in a single irrigation season.

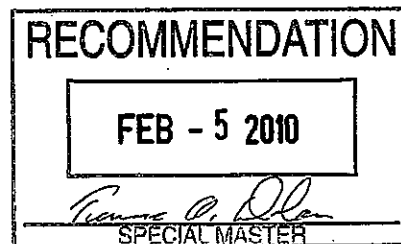
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-14577

NAME AND ADDRESS: WILLIAM R MAXWELL
PO BOX 134
SALMON, ID 83467

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.03 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22 R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.03 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 7 (NWSW) 2.3
2.3 Acres Total

Right Nos. 75-83C and 75-14577 are limited to the irrigation of
a combined total of 2.3 acres in a single irrigation season.

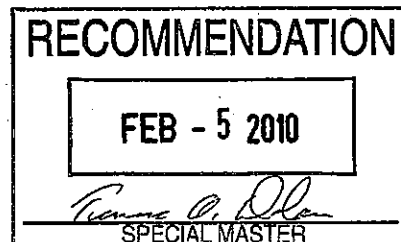
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
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 75-14586

NAME AND ADDRESS: LAWRENCE L SHILEY
SHIRLEY E CLAY
PO BOX 136
CARMEN, ID 83462

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T22N R22E S06 LOT 7 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY:
	Irrigation	04-01 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S06 LOT 11 (NESW) 0.2 LOT 13 (SESW) 3.7
3.9 Acres Total

Right Nos. 75-83B and 75-14586 are limited to the irrigation of
a combined total of 3.9 acres in a single irrigation season.

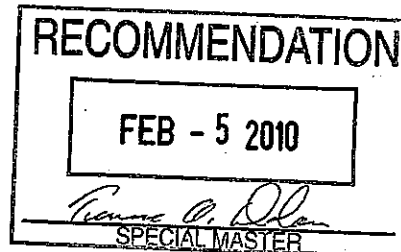
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

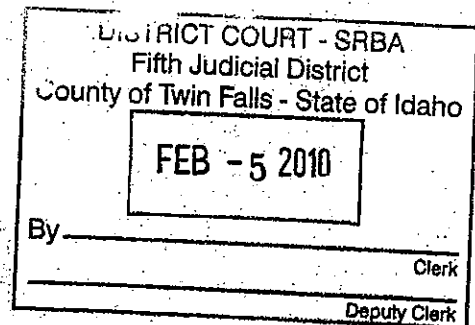
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Eric J. Wildman
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

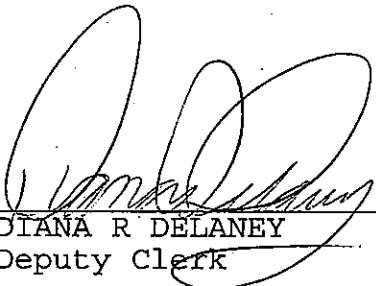
Water Right(s): 75-00083B
(SEE ATTACHED EXHIBIT A)

On February 05, 2010, 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 February 05, 2010.

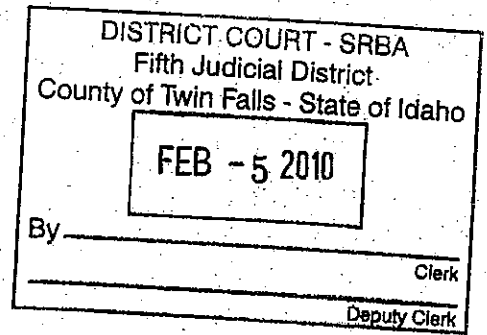


DIANA R. DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

75-00083B
75-00083C
75-00083K
75-00084G
75-00084H
75-10330
75-13948
75-13950
75-13986
75-13988
75-14091
75-14095
75-14096
75-14097
75-14098
75-14162
75-14163
75-14164
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75-14434
75-14435
75-14437
75-14438
75-14440
75-14444
75-14445
75-14446
75-14447
75-14554
75-14555
75-14577
75-14586



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): 75-00083B
(SEE ATTACHED EXHIBIT A)

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 February 05, 2010, with sufficient first-class postage prepaid to the following:

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

FREDDE HOWARTH-NOTT SEPARATE
PROPERTY TRUST
PO BOX 1166
SALMON, ID 83467
Phone: 208-756-4712

CERTIFICATE OF MAILING

PAGE 1
02/04/10

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2325 WEST BROADWAY
IDAHO FALLS, ID 83401
Phone: 208-529-0000

DAN F. FARLEY
Represented by:
MILTON A. SLAVIN
ATTORNEY AT LAW
116 N CENTER ST.
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Phone: 208-756-2030

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
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CUSTODIAN L ARDEN ARRINGTON
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NORMAN C OLSEN
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SALMON, ID 83467

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SHIRLEY E CLAY
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BILL MAXWELL
WILLIAM ROBERT MAXWELL
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SANDY H SIMS
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LESLIE J ANDERSON
ROBERT ANDERSON
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KETCHUM, ID 83340
Phone: 208-788-3550

DERROLD SLAVIN
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Phone: 208-894-2224

DALE F GOOBY
18 SAVAGE RANCH RD
SALMON, ID 83467
Phone: 208-756-2397

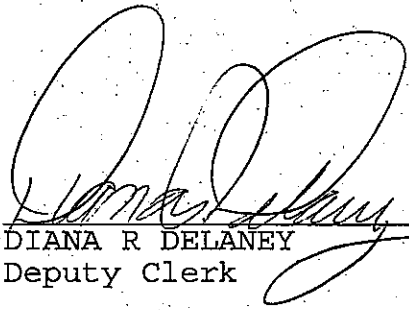
JANET GOSACK
LAWRENCE R GOSACK
320 DIAMOND CREEK LN
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DAVID YANOFF
343 DIAMOND CREEK RD
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DALLAS A LEWIS
VANCE E LEWIS
357 DIAMOND CREEK RD
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GREG BOURDON
SANDY BOURDON
VERA M HARTLEY TRUST
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CAROL ANNE SHEFTS
GREGORY MARTIN SHEFTS
703 RIVERFRONT DR
SALMON, ID 83467



DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

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