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FEB 19 2010

DEPARTMENT OF
WATER RESOURCES

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

FEB 18 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

Subcases:

75-2091D (Hoy)

75-2091E (Bryant)

75-2091H (Lake)

75-2091K (Egeland)

75-2091L (Bullard)

75-2091M (Jefferson)

2nd Special Master Report

Findings of Fact

The Special Master entered a *Report and Recommendations* in the above six subcases on October 22, 2008. At that time, 75-2091E (Bryant) was the only contested claim. IDWR identified the other five claims as uncontested overlaps and all six claims were recommended for partial decrees.

On November 25, 2008, Joseph and Shirley Hoy wrote a letter to the Court seeking to alter or amend the *Recommendation* in subcase 75-2091D "to request the increase of irrigable acres and sufficient water to maintain a small meadow lying between our home and the North Fork of the Salmon River." On April 27, 2009, the Special Master entered an *Order Staying Entry of Partial Decrees* in all six subcases.

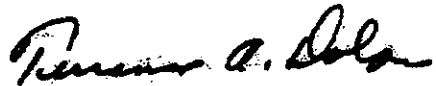
On May 1, 2009, the Special Master entered an *Order Granting Motion to Amend Claim* in subcase 75-2091D allowing the Hoys to amend their claim up to .09 cfs to irrigate 4.5 acres. On June 2, 2009, Cheryl Plagens filed an *Objection* in "subcase 75-2091D et al" objecting to quantity and place of use.

On September 25, 2009, counsel for IDWR wrote a letter to the Court stating: “The Department is not going to amend or change its recommendation for the subject water right [75-2091D]” and on October 26, 2009, the Hoys filed an *Objection* to point of diversion and place of use. Finally, on February 10, 2010, the Hoys filed a *Notice of Withdrawal of Objection*.

Conclusions of Law

The claimants are entitled to partial decrees adjudicating water rights as described in the September 11, 2008 *Standard Form 5* (75-2091E), as recommended by IDWR (75-2091D, 75-2091H, 75-2091K, 75-2091L and 75-2091M) and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-2091D, 75-2091E, 75-2091H, 75-2091K, 75-2091L and 75-2091M*.

DATED February 18, 2010.



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 75-02091D

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

FEB 18 2010

NAME AND ADDRESS:

JOSEPH HOY
SHIRLEY HOY
303 S SAINT CHARLES ST
SALMON, ID 83467

SOURCE:

NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

0.05 CFS

PRIORITY DATE:

09/01/1932

POINT OF DIVERSION:

T26N R21E S26 NENW Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.05 CFS

PLACE OF USE:

Irrigation Within Lemhi County
T26N R21E S26 SWNE 2.3 NWSE 0.2
2.5 Acres Total

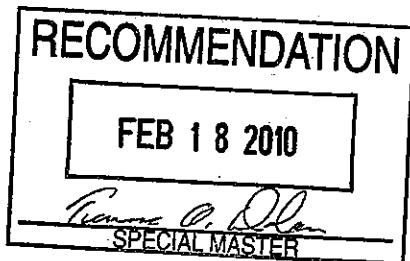
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)

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

Case No. 39576)

Water Right 75-02091E

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

FEB 18 2010

NAME AND ADDRESS:

DENNIS C BRYANT
KATHY B BRYANT
8597 HOLMES LANE
WINTERS, CA 95694-9610

SOURCE:

NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

0.07 CFS

PRIORITY DATE:

09/01/1932

POINT OF DIVERSION:

T26N R21E S26 NENW Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.07 CFS

PLACE OF USE:

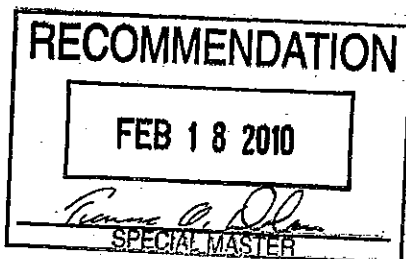
Irrigation
T26N R21E S26 NWSE 3.5
3.5 Acres Total Within Lemhi County

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

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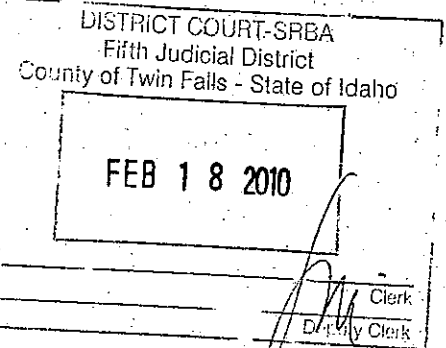
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

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

Water Right 75-02091H



NAME AND ADDRESS: ALLEN LAKE
54300 WALNUT RD
NEW CARLISLE, IN 46522

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 09/01/1932

POINT OF DIVERSION: T26N R21E S26. NENW Within Lemhi County

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

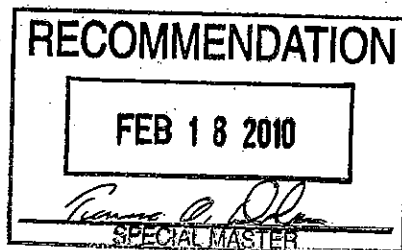
PLACE OF USE: Irrigation Within Lemhi County
T26N R21E S26 SWNE 2.0
2.0 Acres Total

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)

Case No. 39576)

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

Water Right 75-02091K

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

FEB 18 2010

NAME AND ADDRESS:

GARY A EGELAND
9222 SHERRY CIR
HUNTINGTON BEACH, CA 92646

SOURCE:

NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

0.05 CFS

PRIORITY DATE:

09/01/1932

POINT OF DIVERSION:

T26N R21E S26 NENW Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.05 CFS

PLACE OF USE:

Irrigation
T26N R21E S26 SWNE 4.0
4.0 Acres Total

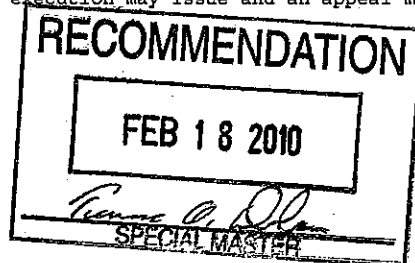
Within Lemhi County

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

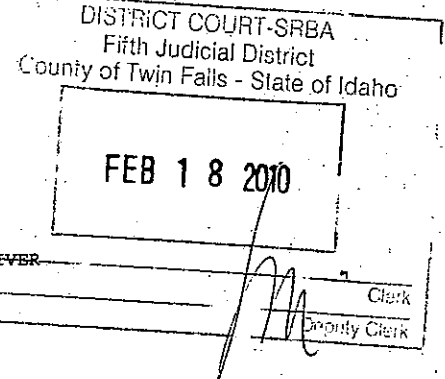
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

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

Water Right 75-02091L



NAME AND ADDRESS:

JUDY K BULLARD
MAURICE F BULLARD JR
3288 HIGHWAY 93 N
GIBBONSVILLE, ID 83463

SOURCE:

NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

0.04 CFS

PRIORITY DATE:

09/01/1932

POINT OF DIVERSION:

T26N R21E S26 NENW Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
0.04 CFS

PLACE OF USE:

Irrigation

T26N R21E S26

NESE 1.7

Within Lemhi County

SESE 0.2

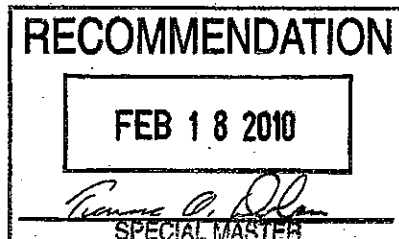
1.9 Acres Total

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)
Case No. 39576)

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

Water Right 75-02091M

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

FEB 18 2010

NAME AND ADDRESS: MARION ANN JEFFERSON
ROY R JEFFERSON
1720 LEE AVE
ARCADIA, CA 91006-4638

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 09/01/1932

POINT OF DIVERSION: T26N R21E S26 NENW 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 T26N R21E S26 NESE 2.1 Within Lemhi County
2.1 Acres Total

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

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RECOMMENDATION

FEB 18 2010

Eric J. Wildman
SPECIAL MASTER

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

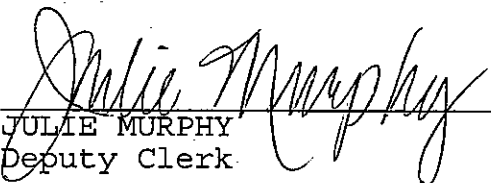
Water Right(s): 75-02091D
75-02091E 75-02091H 75-02091K
75-02091L 75-02091M

On February 18, 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 18, 2010.



JULIE MURPHY
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): 75-02091D
75-02091E 75-02091H 75-02091K
75-02091L 75-02091M

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 18, 2010, with sufficient first-class postage prepaid to the following:

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

DENNIS C BRYANT
KATHY B BRYANT
Represented by:
MILTON A. SLAVIN
ATTORNEY AT LAW
116 N CENTER ST.
SALMON, ID 83467
Phone: 208-756-2030

CERTIFICATE OF MAILING

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02/18/10

JOSEPH & SHIRLEY HOY
JOSEPH HOY
SHIRLEY HOY

Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

CHERYL PLAGENS
PO BOX 172
NORTH FORK, ID 83466
Phone: 208-865-2259

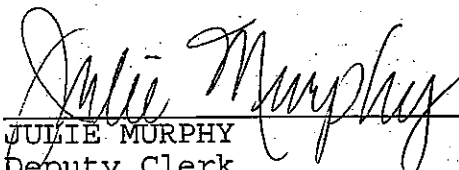
MARION ANN JEFFERSON
ROY R JEFFERSON
1720 LEE AVE
ARCADIA, CA 91006-4638
Phone: 818-445-3136

MAURICE F BULLARD JR
3204 HWY 93 N
GIBBONSVILLE, ID 83463
Phone: 208-865-2041

JUDY K BULLARD
MAURICE F BULLARD JR
3288 HIGHWAY 93 N
GIBBONSVILLE, ID 83463
Phone: 208-865-2041

ALLEN LAKE
54300 WALNUT RD
NEW CARLISLE, IN 46522

GARY A EGELAND
9222 SHERRY CIR
HUNTINGTON BEACH, CA 92646
Phone: 714-545-4521


JULIE MURPHY
Deputy Clerk