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MAR 22 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 19 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	)	Subcase 73-12035
	)	(Coleman)
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

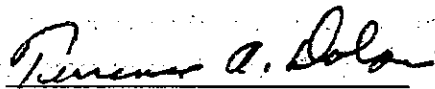
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claim 73-12035 to Dick and Starr Coleman, 33 Pahsimeroi Road, Ellis, Idaho, 83235, for .39 cfs from springs for year-'round stockwater use and to irrigate 17.7 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1945, based on beneficial use.

Robert W. Chewning filed an *Objection* on November 29, 2007, objecting to quantity, point of diversion and place of use. IDWR filed an *Amended Notice of Completed Administrative Proceeding* on January 22, 2010, for changes in Starr Coleman's address, source, point of diversion, place of use and various remarks. No one objected to the Director's amended recommendation of the water right.

Conclusions of Law

The Colemans are entitled to a partial decree adjudicating a water right as recommended by the Director and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 73-12035*.

DATED March 19, 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 73-12035

NAME AND ADDRESS:

DICK H COLEMAN
33 PAHSIMEROI RD
ELLIS, ID 83235

STARR W COLEMAN
9603 W WRIGHT ST
BOISE, ID 83709

SOURCE:

PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Springs at the original point of diversion in the NESENE, S36, T16N, R20E, and to the amount of water that acutally reaches the Pahsimeroi River.

QUANTITY:

0.39 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE:

04/01/1945

POINT OF DIVERSION:

T16N R20E S25 SENW Within Lemhi County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.36 CFS
Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:

Irrigation		Within Lemhi County
T16N R20E S25	SENW 13.0	NWSE 4.6
17.6 Acres Total		
Stockwater		Within Lemhi County
T16N R20E S25	SENW	NWSE

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.

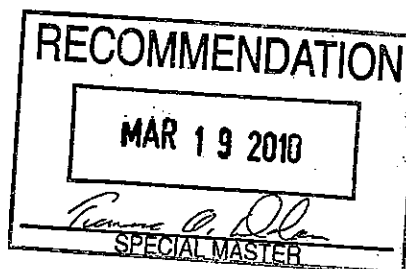
Prior to the diversion and use of water under this water right, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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

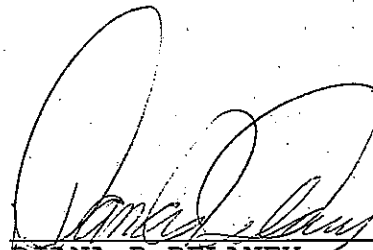
Water Right(s): 73-12035

On March 19, 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 March 19, 2010.



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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 73-12035

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 March 19, 2010, with sufficient first-class postage prepaid to the following:

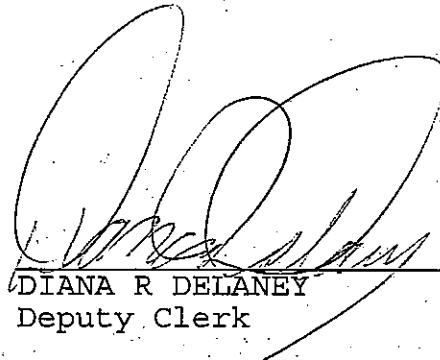
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ROBERT W CHEWNING
139 PAHSIMEROI RD
ELLIS, ID 83235
Phone: 208-876-4291

DICK H COLEMAN
33 PAHSIMEROI RD
ELLIS, ID 83235
Phone: 208-876-4244

STARR W COLEMAN
9603 W WRIGHT ST
BOISE, ID 83709

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

PAGE 1
03/19/10