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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 29 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 75-14369 (split), 75-14632 (Cerise)
	)	and 75-14633 (Sprink)
Case No. 39576	)	
	)	ORDER GRANTING MOTION TO
	)	AMEND CLAIM and SPECIAL MASTER
	)	REPORT AND RECOMMENDATION

Findings of Fact

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 reported claim 75-14369 to Lowell Cerise, 56 Whiting Road, Salmon, Idaho, 83467, for .26 cfs from Sheep Creek to irrigate 6.8 acres in Lemhi County from April 1 to October 31 with a priority date of May 15, 1898, based on beneficial use. IDWR filed a *Notice of Completed Administrative Proceeding* on February 12, 2010, for a substitution of party splitting 75-14369 into 75-14632 (Cerise) and 75-14633 (Timothy and Natalie Sprink, 10619 Highway A, Altenburg, Missouri, 63732).

No one objected to IDWR's amended recommendation of claim 75-14632, but the Sprinks filed an *Objection* in subcase 75-14633 on March 8, 2010, objecting to point of diversion and a *Motion to File Amended Notice of Claim* to amend the legal description of the point of diversion. The same date, SRBA Presiding Judge Eric J. Wildman entered an *Order of Reference Appointing Special Master Terrence A. Dolan*.

On March 24, 2010, the Sprinks, with IDWR's concurrence, filed a *Standard Form 5* in subcase 75-14633 agreeing to the all elements, including an amended point of diversion.

Order

THEREFORE, IT IS ORDERED that the Sprinks, having shown good cause to amend their claim in subcase 75-14633, the *Motion* is **granted**.

Conclusions of Law

Mr. Cerise and the Sprinks are entitled to partial decrees adjudicating water rights as recommended by IDWR (75-14632) and as described in the *SF-5* (75-14633) and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14632 and 75-14633*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-14369 be **disallowed** because of the split.

DATED March 29, 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 75-14632

NAME AND ADDRESS: LOWELL CERISE
56 WHITING RD
SALMON, ID 83467

SOURCE: SHEEP CREEK TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.16 CFS

PRIORITY DATE: 05/15/1898

POINT OF DIVERSION: T25N R21E S14 NENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.16 CFS

PLACE OF USE: Irrigation Within Lemhi County
T25N R21E S15 SWNE 2.4 SENE 1.7
4.1 Acres Total

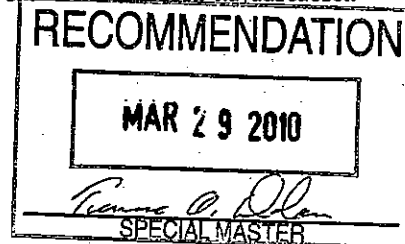
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This is a split from former right 75-14369...
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 75-14633

NAME AND ADDRESS: NATALIE SPRINK
TIMOTHY SPRINK
10619 HWY A
ALTENEURG, MO 63732

SOURCE: SHEEP CREEK TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 05/15/1898

POINT OF DIVERSION: T25N R21E S14 SENW 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
T25N R21E S15 SWNE 2.7
2.7 Acres Total

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

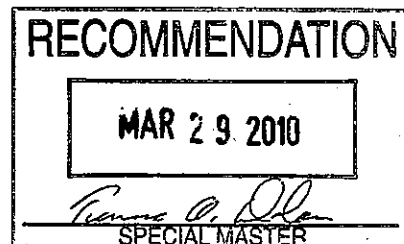
This is a split from former right 75-14369.

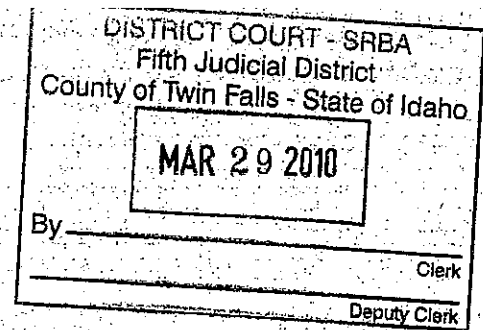
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

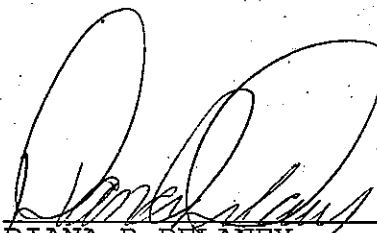
Water Right(s): 75-14369
75-14632 75-14633

On March 29, 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 29, 2010.



DIANA R DELANEY
Deputy Clerk

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

MAR 29 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 75-14369

75-14632 75-14633

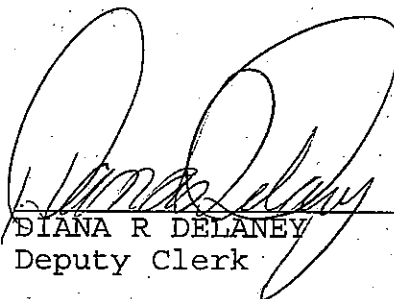
CERTIFICATE OF MAILING

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 29, 2010, with sufficient first-class postage prepaid to the following:

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

NATALIE SPRINK
TIMOTHY M & NATALIE R SPRINK
TIMOTHY SPRINK
10619 HWY A
ALTENBURG, MO 63732

LOWELL CERISE
56 WHITING RD
SALMON, ID 83467
Phone: 208-756-3085


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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03/29/10