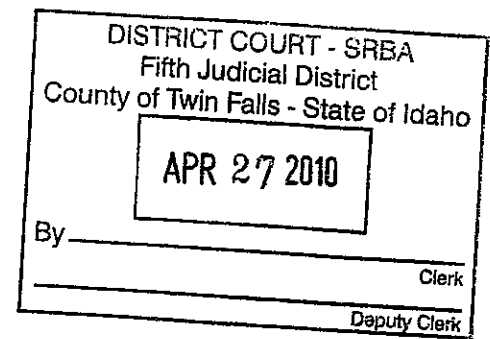


RECEIVED

APR 28 2010

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

Case No. 39576

) Subcases 73-4080, 73-11960 and 73-12036
) (Chewning)
)
) 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 73* on January 25, 2007. The Director recommended claims 73-4080 and 73-12036 to Robert and Virginia Chewning, 139 Pahsimeroi Road, Ellis, Idaho, 83235, for 2.02 cfs and .24 cfs from the Pahsimeroi River and springs for year-round stockwater use and to irrigate 50.2 acres and 10.2 acres in Lemhi County from April 1 to October 31 with priority dates of April 1, 1875, and April 1, 1945, based on beneficial use. The Director recommended claim 73-11960 be disallowed: "Recommended as right no. 73-12036."

The Chewnings filed *Objections* in subcases 73-11960 and 73-12036 on November 29, 2007, objecting to the first claim not being recommended as claimed and in the second claim, quantity, priority date, point of diversion, purpose of use and place of use. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 73-12036 on December 18, 2007, objecting to place of use.

On March 1 and 2, 2010, the Chewnings and the United States, with IDWR's concurrence, filed *Standard Forms 5* in the three subcases agreeing to amend 73-4080 and 73-12036 and disallow 73-11960.

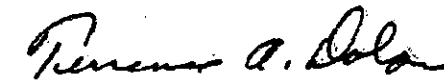
Conclusions of Law

1. The Chewnings are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-4080 and 73-12036*; and
2. The Chewnings are **not** entitled to a water right for claim 73-11960 having agreed to disallow the claim.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 73-11960 be **disallowed**.

DATED April 27, 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 73-04080

NAME AND ADDRESS: ROBERT W CHEWNING
VIRGINIA H CHEWNING
139 PAHSIMEROI RD
ELLIS, ID 83235

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 2.44 CFS

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

PRIORITY DATE: 04/01/1875

POINT OF DIVERSION: T15N R21E S08 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.44 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T15N R21E S06 LOT 4 (NWNW) 1.4
T16N R20E S36 NESE 19.4
R21E S31 LOT 2 (SWSW) 27.0
52.0 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

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

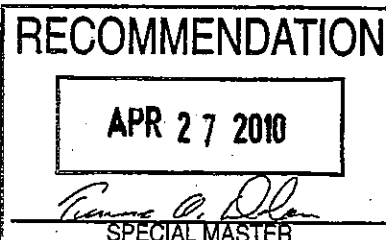
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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 73-12036

NAME AND ADDRESS: ROBERT W CHEWNING
VIRGINIA H CHEWNING
139 PAHSIMEROI RD
ELLIS, ID 83235

SOURCE: SPRINGS TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.21 CFS

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

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION: T16N R20E S36 NENENE Within Lemhi County
NESENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.21 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R20E S36	NENE 9.0	
	9.0 Acres Total		
	Stockwater		Within Lemhi County
	T16N R20E S36	NENE	

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

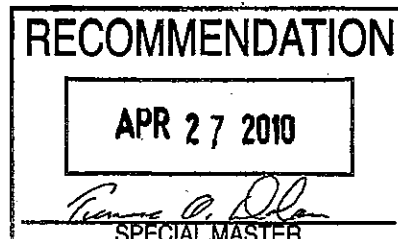
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 27 2010	
By _____	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

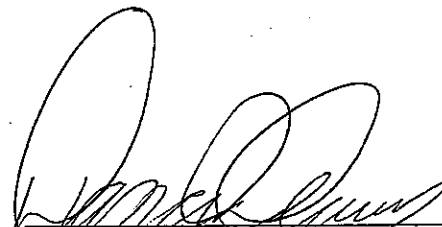
Water Right(s): 73-04080
73-11960 73-12036

On April 27, 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.

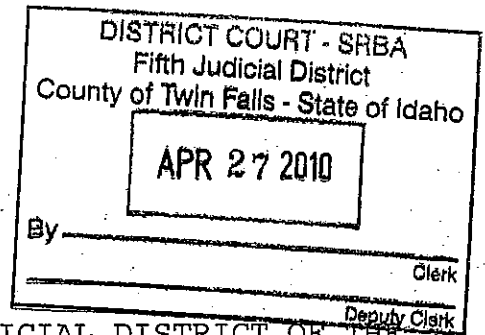
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 27, 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): 73-04080
73-11960 73-12036

CERTIFICATE OF MAILING

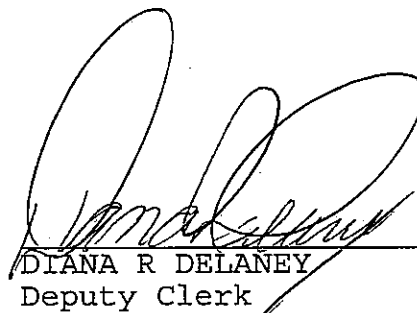
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 27, 2010, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
04/26/10