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JUN 15 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 14 2010	
By _____	Clark
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 75-4005, 75-10061AH,
	)	75-10062AG, 75-13313 and 75-13314
	)	(Campbell)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

On November 17, 2008, former-Presiding Judge John M. Melanson entered *Partial Decrees* in the above five subcases adjudicating to John Wayne Campbell, P.O. Box 49, Carmen, Idaho, 83462-0049, between .11 cfs and 3.7 cfs from Freeman Creek, an unnamed stream and Carmen Creek for year-round stockwater use and to irrigate 5.2 acres, 5.3 acres and 104.1 acres from April 1 to October 31 with priority dates between May 1, 1875, and June 1, 1948. On January 7, 2009, Mr. Campbell filed *Objections*, considered motions to set aside partial decrees, in each subcase objecting to name, source and period of use. On January 7, 2009, the subcases were referred to the Special Master.

On June 10, 2010, a hearing was held. Mr. Campbell appeared *pro se*, along with Tom McFarland, and Garrick L. Baxter appeared for IDWR, along with Suzie Cooley-Denney. IDWR agreed with Mr. Campbell that the source should be Freeman Creek, not Carmen Creek, and the claimant's name on subcases 75-13313 and 75-13314 should be John Wayne Campbell, not Wayne Campbell. However, Mr. Campbell and IDWR were not in agreement on the season of use element pending submission of additional affidavits of historical use. In the interest of

moving the subcases along, they agreed the *Partial Decrees* should be set aside to correct the source, name and perhaps period of use.

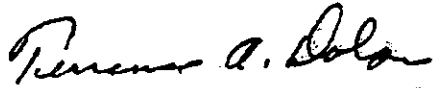
Conclusions of Law

Mr. Campbell has shown good cause to have the *Partial Decrees* set aside.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* in subcases 75-4005, 75-10061AH, 75-10062AG, 75-13313 and 75-13314 be set aside and remanded to the Special Master for further proceedings on the issue of period of use.

DATED June 14, 2010.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on June 14, 2010, with sufficient first-class postage to the following:

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