

RECEIVED

JUL 12 2010

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUL - 9 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 75-14532  
Case No. 39576 ) (Ann M. Heltsley Living Trust)  
 )  
 ) ORDER GRANTING MOTION TO  
 ) WITHDRAW OBJECTION and  
 ) SPECIAL MASTER REPORT  
 )  
\_\_\_\_\_ )

**Findings of Fact**

Former SRBA Presiding Judge John M. Melanson entered an *Order Granting Late Notice of Claim* on February 18, 2009, and referred the matter to the Special Master. The Director filed his *Director's Report for Late Claims* on June 10, 2009, recommending the claim to the Ann M. Heltsley Living Trust, P.O. Box 83, Idaho City, Idaho, 83631, for .04 cfs from the North Fork Salmon River for year-'round domestic use in Lemhi County with a priority date of May 1, 1887, based on beneficial use.

The claimant filed an *Objection* on August 6, 2009, objecting to all elements and alleging:

The recommended water right does not specify that the gathering point of the unnamed spring is the primary point of diversion [T 25N, R 21E, § 15, SESW]. Water is diverted from this gathering point and carried by a man made ditch to the place of use.

On February 26, 2010, in open Court, counsel for the claimant said the claim was settled and moved to withdraw its *Objection*.

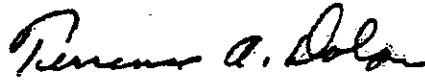
**Order**

THEREFORE, IT IS ORDERED that the claimant's motion to withdraw its *Objection* is granted.

### Conclusions of Law

The Ann M. Heltsley Living Trust is entitled to a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 75-14532*.

DATED July 9, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 75-14532

NAME AND ADDRESS: ANN M HELTSLEY LIVING TRUST  
PO BOX 83  
IDAHO CITY, ID 83631

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T25N R21E S21 SENE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

Domestic use is for 1 home and up to one-half acre of lawn and  
garden irrigation.

| PLACE OF USE: | Domestic      | Within Lemhi County          |
|---------------|---------------|------------------------------|
|               | T25N R21E S21 | NENE<br>NWNE<br>SWNE<br>SENE |

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

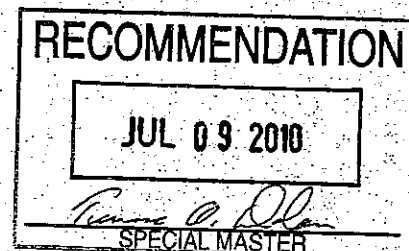
The quantity of water decreed for this water right is not a  
determination of historical beneficial use.

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 )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

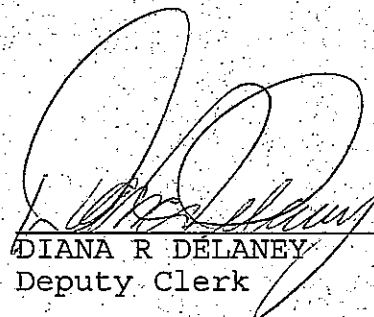
Water Right(s): 75-14532

On July 09, 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 July 09, 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): 75-14532

CERTIFICATE OF MAILING

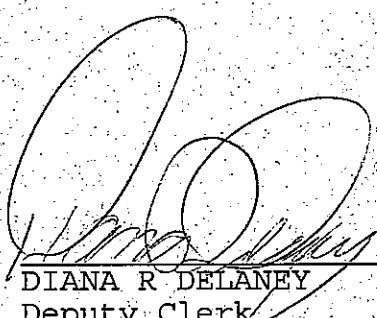
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 09, 2010, with sufficient first-class postage prepaid to the following:

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

ANN M HELTSLEY LIVING TRUST

Represented by:

JERRY R. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
07/09/10