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JUL 16 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - 5th J.D.	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 14 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

Case No. 39576

) Subcases 75-14597 (Osgood), 75-14598
) (Hutchings) & 75-14599 (Jones)
) and
) 75-14514 & 75-14596 (splits)
)
) 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 recommended claim 75-14170 to Irene and Marvin Hutchings, 1141 Highway 93 South, Salmon, Idaho, 83467, for 4.32 cfs from Twelvemile Creek to irrigate 75.3 acres in Lemhi County from April 1 to October 31 with a priority date of March 14, 1889, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on October 17, 2007, objecting to place of use. On June 16, 2008, the Hutchings and the United States, with IDWR's concurrence, filed a *Stipulation to Resolve Objection* and a *Standard Forms 5* splitting 75-14170 into 75-14514 (Hutchings) and 75-14515 (USDI/BLM). On July 2, 2008, the Special Master entered a *Report and Recommendation* in the three subcases and on October 15, 2008, former SRBA Presiding Judge John M. Melanson entered *Partial Decrees* adjudicating 75-14514 and 75-14515 and disallowing 75-14170.

The Hutchings wrote a letter to the SRBA Court on August 20, 2009, alleging irrigated acres were omitted from their claim and on August 20, 2009, subcase 75-14514 was referred to the Special Master.

On August 28, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* splitting 75-14514 into 75-14596 (Hutchings) and 75-14597 (David and Sharon Osgood, 1115 Highway 93 South, Salmon, Idaho, 83467). The same date, IDWR filed a second *NCAP* splitting 75-14596 into 75-14598 (Hutchings) and 75-14599 (D. Scott and Kimberlee Jones, 549 East, 300

North, Hyrum, Utah, 83419). On May 26, 2010, IDWR filed its *Amended Director's Report, Subcase 75-14598*. A status conference was held on July 8, 2010, but none of the claimants appeared and no one objected to the *Report*.

Conclusions of Law

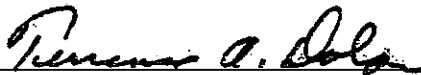
1. The Hutchings have shown good cause to set aside the *Partial Decree* in subcase 75-14514 ;
2. The claimants are entitled to water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14597 (Osgood), 75-14598 (Hutchings) and 75-14599 (Jones)*; and
3. The claimants are **not** entitled to water rights for claims 75-14514 and 75-14596 because of the splits.

Recommendations

THEREFORE, IT IS RECOMMENDED that:

1. The *Partial Decree* in subcase 75-14514 be set aside and the claim be disallowed because of the split; and
2. Claim 75-14596 be disallowed because of the split.

DATED July 14, 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 75-14597

NAME AND ADDRESS: DAVID R OSGOOD
SHARON J OSGOOD
1115 HWY 93 S
SALMON, ID 83467

SOURCE: TWELVEMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.18 CFS

PRIORITY DATE: 03/14/1889

POINT OF DIVERSION: T19N R21E S01 LOT 3 (NENENW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.18 CFS

PLACE OF USE: Irrigation Within Lemhi County
T20N R21E S36 LOT 7 (SWNW) 1.2 LOT 10 (SWSW) 1.8
SWSE 0.5
3.5 Acres Total

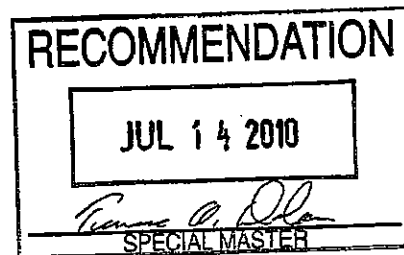
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 75-14598

NAME AND ADDRESS: IRENE HUTCHINGS
MARVIN C HUTCHINGS
1141 HWY 93 S
SALMON, ID 83467

SOURCE: TWELVEMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.79 CFS

PRIORITY DATE: 03/14/1889

POINT OF DIVERSION: T19N R21E S01 LOT 3 (NENW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.79 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T19N R21E S01 LOT 3 (NENW) 1.3	LOT 4 (NWNW) 3.6
	T20N R21E S36 NWSW 0.3	LOT 7 (NWSW) 17.0
	LOT 10 (SWSW) 33.0	SESW 0.6
	55.8 Acres Total	

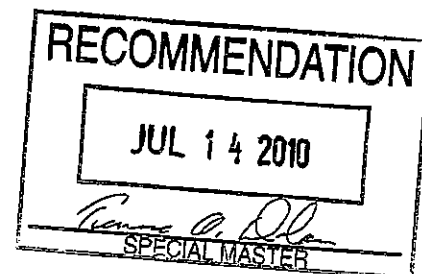
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

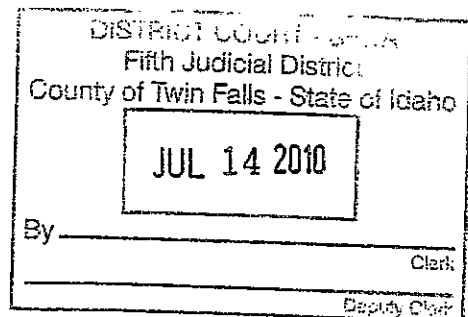
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
) Water Right 75-14599

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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

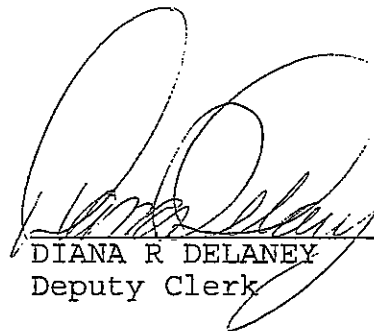
Water Right(s): 75-14514
75-14596 75-14597 75-14598
75-14599

On July 14, 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 14, 2010.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 14 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-14514
75-14596 75-14597 75-14598
75-14599

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 14, 2010, with sufficient first-class postage prepaid to the following:

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

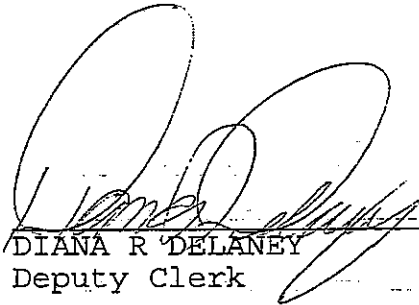
DAVID R OSGOOD
SHARON J OSGOOD
1115 HWY 93 S
SALMON, ID 83467
Phone: 208-756-3968

IRENE HUTCHINGS
MARVIN C HUTCHINGS
1141 HWY 93 S
SALMON, ID 83467

CERTIFICATE OF MAILING

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07/14/10

D SCOTT JONES
KIMBERLEE JONES
549 E 300 N
HYRUM, UT 83419
Phone: 435-770-2426



DIANA R DELANEY
Deputy Clerk