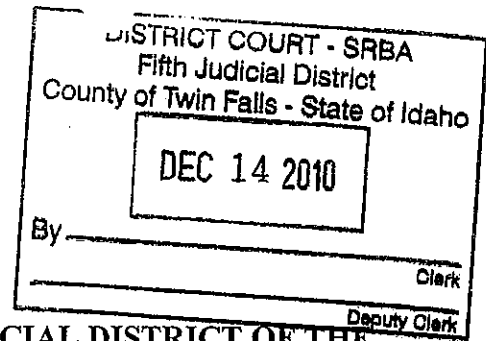


RECEIVED

DEC 17 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) Subcases
Case No. 39576) 75-69A Burns
) 75-69H Matejko
) 75-69N Ernest
) 75-69S Clementz
) 75-70A Burns
) 75-70H Matejko
) 75-70N Ernest
) 75-70T Clementz
)
) SPECIAL MASTER REPORT

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 the above 8 claims to divert between .008 cfs and .076 cfs from Carmen Creek to irrigate between 1.7 acres and 10.9 acres in Lemhi County from April 1 to October 31 with priority dates of May 1, 1888, or May 1, 1892, based a decree.

Late *Objections* were lodged on January 8, 2008, by Albert and Alvera Fols, Tracy Marcia, A.C. and Luella Pilkerton, Charles and Mary Harling, Lloyd and Sheryl Tutor and Marci Dixon objecting to quantity.

IDWR filed its *Supplemental Director's Report* in a total of 75 subcases, including the above 8 subcases, on January 14, 2010, followed by numerous additional *Objections* and *Responses* by the parties. After the Special Master entered an *Order Denying Motion to Remand Subcases* on June 11, 2010, the parties, with IDWR concurrence, filed *Standard Forms* 5 settling the claims.

Conclusions of Law

The claimants 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*.

DATED December 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 75-00069A

NAME AND ADDRESS: JOHN E BURNS
RUTH C BURNS
PO BOX 264
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.054 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 SWNW Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.054 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02	SWNW 0.4 NWSW 1.3
	S03	SENE 1.5 NESE 7.7
	10.9 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 10.9 acres in a single irrigation season.
Combined Right Nos.: 75-69A, 75-70A, 75-10061A, 75-10062A and
75-14248.

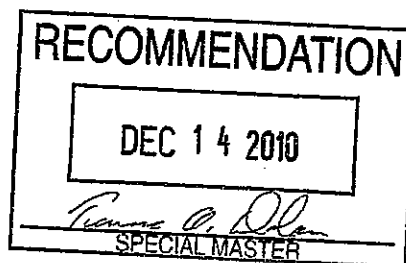
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 75-00069H

NAME AND ADDRESS: GEORGE MATEJKO
PO BOX 129
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.046 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 LOT 4 (NWNW) Within Lemhi County
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.046 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 NESE 9.4
9.4 Acres Total

The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 75-69H, 75-70H, 75-10061R, 75-10062P & 75-14431.

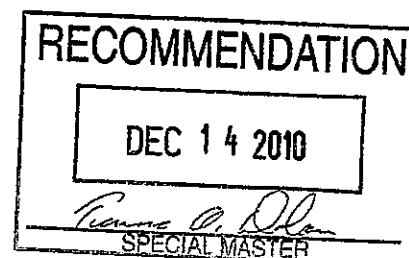
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00069N

NAME AND ADDRESS: JACQUELINE D. ERNEST
ROBERT M ERNEST
PO BOX 132
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.008 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 LOT 3 (NENW) Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.008 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S02 SWNW 1.7
1.7 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 1.7 acres in a single irrigation season.
Combined Right Nos.: 75-69N, 75-70N, 75-10061Y and 75-10062W.

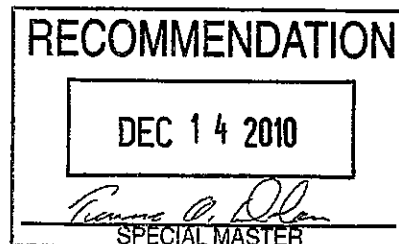
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00069S

NAME AND ADDRESS: WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.01 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 LOT 3 (NENW) Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.01 CFS

PLACE OF USE:		
	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 4 (NWNW) 0.1	SWNW 2.0
	2.1 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 2.1 acres in a single irrigation season.
Combined Right Nos.: 75-69S, 75-70T, 75-10061AE and 75-10062AC.

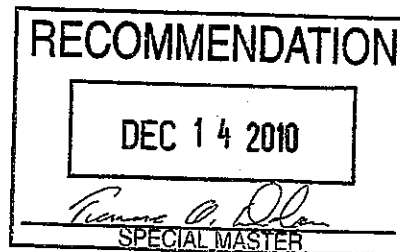
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00070A

NAME AND ADDRESS: JOHN E BURNS
RUTH C BURNS
PO BOX 264
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.073 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T22N R22E S02 SWNW Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.073 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02	SWNW 0.4 NWSW 1.3
	S03	SENE 1.5 NESE 7.7
	10.9 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 10.9 acres in a single irrigation season. Combined Right Nos.: 75-69A, 75-70A, 75-10061A, 75-10062A & 75-14248.

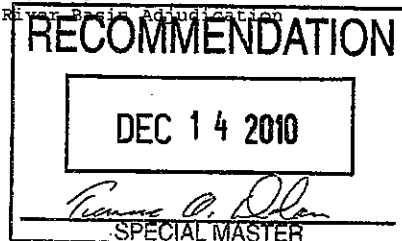
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-00070H

NAME AND ADDRESS: GEORGE MATEJKO
PO BOX 129
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.063 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T22N R22E S02 LOT 4 (NWNW) Within Lemhi County
SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.063 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 NESE 9.4
9.4 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 9.4 acres in a single irrigation season.
Combined Right Nos.: 75-69H, 75-70H, 75-10061R, 75-10062P &
75-14431.

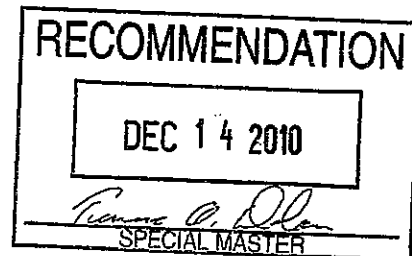
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

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 75-00070N

NAME AND ADDRESS: JACQUELINE D ERNEST
ROBERT M ERNEST
PO BOX 132
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.011 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T22N R22E S02 LOT 3 (NENW) Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.11 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S02 SWNW 1.7
1.7 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 1.7 acres in a single irrigation season.
Combined Right Nos.: 75-69N, 75-70N, 75-10061Y and 75-10062W.

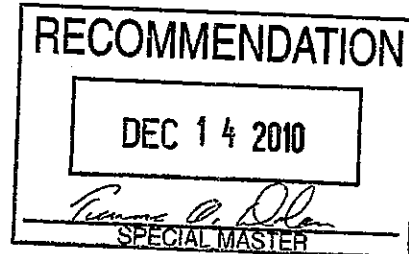
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00070T

NAME AND ADDRESS: WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.014 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T22N R22E S02 LOT 3 (NENW) Within Lemhi County
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.014 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 4 (NWNW) 0.1	SWNW 2.0
	2.1 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 2.1 acres in a single irrigation season.
Combined Right Nos.: 75-69S, 75-70T, 75-10061AE and 75-10062AC.

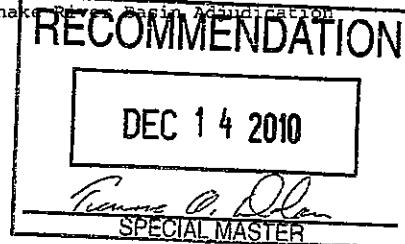
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

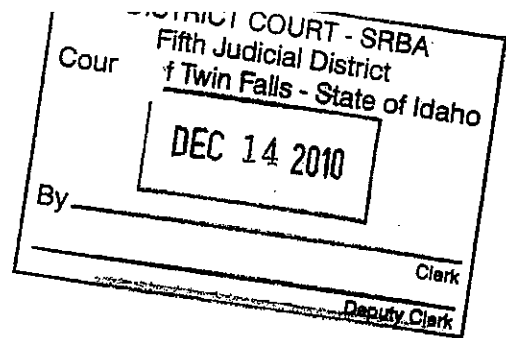
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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

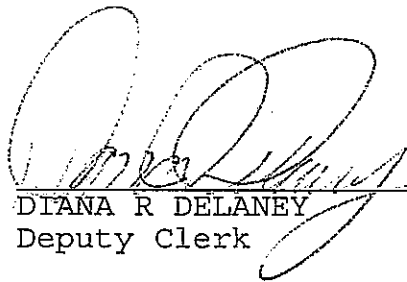
Water Right(s): 75-00069A
75-00069H 75-00069N 75-00069S
75-00070A 75-00070H 75-00070N
75-00070T

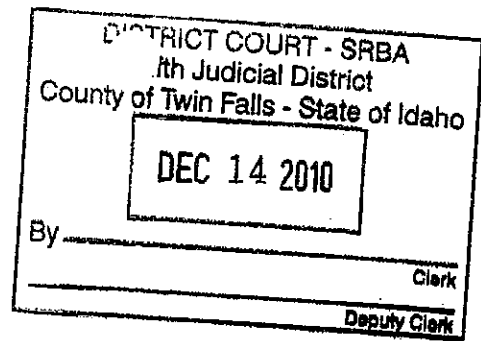
On December 13, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 December 13, 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) : 75-00069A
75-00069H 75-00069N 75-00069S
75-00070A 75-00070H 75-00070N
75-00070T

CERTIFICATE OF MAILING

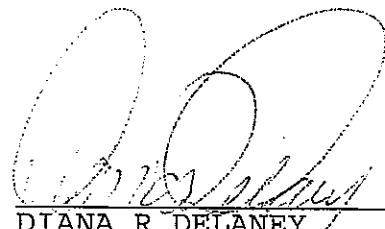
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 13, 2010, with sufficient first-class postage prepaid to the following:

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

GEORGE MATEJKO
JACQUELINE D ERNEST
JOHN E BURNS
ROBERT M ERNEST
RUTH C BURNS
WILLIAM W CLEMENTZ

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
12/13/10

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT, SPECIAL MASTER RECOMMENDATION FOR PARTIAL DECREE & NOTICE OF ISSUANCE OF MASTER REPORT was mailed on December 17, 2010, with sufficient first-class postage to the following:

GEORGE MATEJKO
PO BOX 129
CARMEN, ID 83462
Phone: 208-756-1946

JACQUELINE D ERNEST
ROBERT M ERNEST
PO BOX 132
CARMEN, ID 83462
Phone: 208-756-3334

WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462
Phone: 208-756-2347

JOHN E BURNS
RUTH C BURNS
PO BOX 264
CARMEN, ID 83462
Phone: 208-756-3645

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