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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 7 2011	
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) Subcase 75-2025E (Mosher) and 75-14431
Case No. 39576) (Matejko)
)
) 2nd SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-2025E to Franciska and Robert Mosher, 54 Parmenter Road, P.O. Box 213, Carmen, Idaho, 83462-0213, for .12 cfs from Carmen Creek to irrigate 6 acres in Lemhi County from April 1 to October 31 with a priority date of December 22, 1910, based on a license. The Director recommended claim 75-14431 to George Matejko, P.O. Box 129, Carmen, Idaho, 83462, for .19 cfs from Carmen Creek to irrigate 9.4 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1915, based on beneficial use.

On December 18, 2008, the Special Master entered a *Report* recommending both claims for partial decrees after IDWR identified them as uncontested overlapping claims. However, on March 25, 2009, the *Report* was withdrawn because IDWR said the claims might be affected by resolution of claim 75-10061Q (Quinn). Claim 75-10061Q was partially decreed on January 5, 2001, and on February 1, 2011, IDWR notified the Court that the above two uncontested claims are ready to go forward to partial decrees.

Conclusions of Law

The Mosher and Mr. Matejko are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-2025E (Mosher) and 75-14431 (Matejko)*.

DATED February 7, 2011.



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 75-02025E

NAME AND ADDRESS: FRANCISKA MOSHER
ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN, ID 83462-0213

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 12/22/1910

POINT OF DIVERSION: T22N R22E S02 .NWNW Within Lemhi County
T23N R22E S35 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.12 CFS

PLACE OF USE: Irrigation T22N R22E S03 SWNE 6.0 Within Lemhi County
6.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season.
Combined Right Nos.: 75-69K, 75-70K, 75-2025E, 75-10061T and 75-10062R.

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

RECOMMENDATION

FEB - 7 2011

Thomas A. Olson
SPECIAL MASTER

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 75-14431

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

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.19 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.

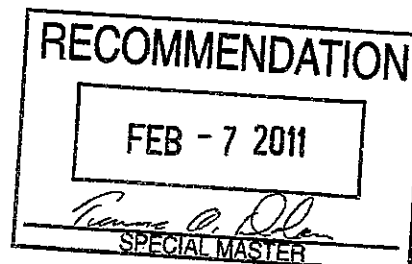
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

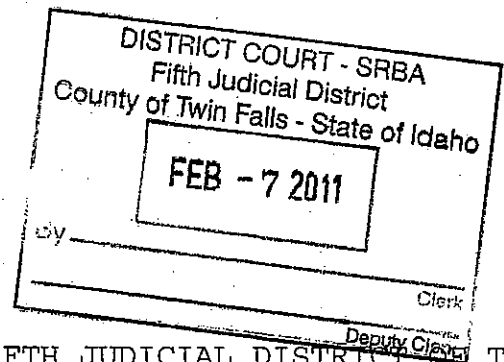
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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
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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)
)
Case No. 39576)
)
)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

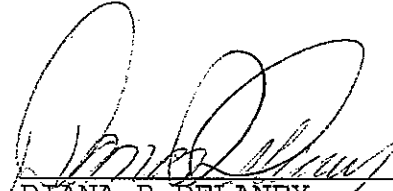
Water Right(s): 75-02025E
75-14431

On February 07, 2011, 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 Moti
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 February 07, 2011.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB - 7 2011

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-02025E
75-14431

CERTIFICATE OF MAILING

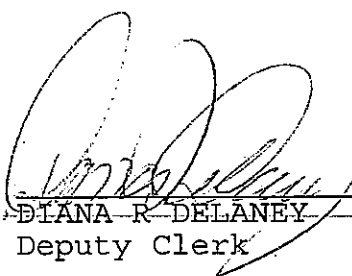
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 07, 2011, with sufficient first-class postage prepaid to the following:

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

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

FRANCISKA MOSHER
ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN, ID 83462-0213
Phone: 208-756-4607

CERTIFICATE OF MAILING


DIANA R. DELANEY
Deputy Clerk