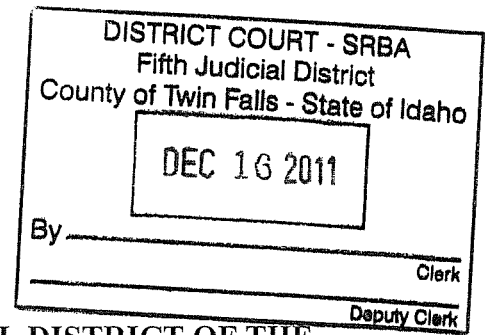


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DEPARTMENT OF
WATER RESOURCES



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 74-15015 and 74-15861
Case No. 39576) (Riggan)
)
) 2nd SPECIAL MASTER REPORT
)
_____)

Findings of Fact

On September 24, 2008, the Special Master entered a *Report and Recommendation* in the above two subcases with the following recommendations:

1. The Presiding Judge grant Mr. Riggan's *Motion to File Late Notice of Claim* in subcase 74-15861, and
2. IDWR be ordered to prepare and file with the SRBA Court alternative second supplemental director's reports – one report if Mr. Riggan's late beneficial use claim is allowed as an overlapping claim with 74-15015 and a second report if Mr. Riggan chooses to withdraw 74-15015.

On January 12, 2009, former SRBA Presiding Judge John M. Melanson entered his *Order Conditionally Granting Motion to File Late Notice of Claim; Order Requiring Filing of Amended Claim; Order Requesting Amended Director's Report if Amended Claim is Filed.*

On January 30, 2009, Mr. Riggan filed his *Motion to File Amended Notice of Claim*, together with an *Amended Notice of Claim to a Water Right* in subcase 74-15861. Then, on February 2, 2009, Judge Melanson entered his *Order Granting Motion to File Amended Notice of Claim; Order Requiring IDWR to File Director's Report; Order Requiring IDWR to File Amended Director's Report.*

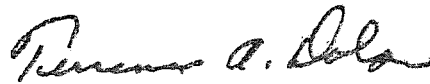
On February 26, 2010, IDWR filed its *Amended Director's Reports, Subcase Nos. 74-15015 and 74-15861* recommending the claims to James E. Riggan for .34 cfs and 1.24 cfs from Wimpey Creek to irrigate 73 acres in Lemhi County with priority dates of May 1, 1897, and May 19, 1971, based on a decree and beneficial use. On March 26, 2010, the United States of America filed an *Objection* in subcase 74-15861 alleging the water right should not exist.

On May 26, 2010, IDWR filed a *Notice of Completed Administrative Proceeding* in both subcases for an address change: James E. Riggan, 196 Wimpey Creek Road, Salmon, Idaho, 83467. Finally, on December 7, 2011, Mr. Riggan and the United States, with IDWR's concurrence, filed *Standard Forms 5* in both subcases.

Conclusions of Law

Mr. Riggan is 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 74-15015 and 74-15861*.

DATED December 16, 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)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15015

NAME AND ADDRESS: JAMES E RIGGAN
196 WIMPEY CREEK RD
SALMON, ID 83467

SOURCE: WIMPEY CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.34 CFS

Right Nos. 74-15015 and 74-15861 are limited to a total combined
diversion rate of 0.34 cfs.

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION: T21N R23E S24 NESESW Within Lemhi County
NESESW
SESESW
S25 NWNENW

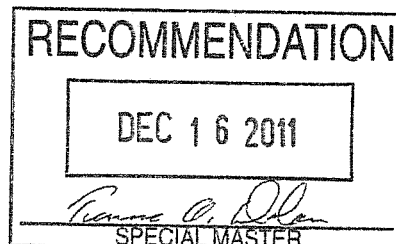
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.34 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R23E S24	SESW 7.2
	S25	NENW 28.0
		SWNW 15.0
		SESW 1.0
		NWSW 2.0
	S26	SENE 1.5
	73.0 Acres Total	NESW 15.0

This right is limited to the irrigation of 27.9 acres within the
place of use described above in a single irrigation season.
Right Nos. 74-15015 and 74-15861 are limited to the irrigation
of a combined total of 73 acres in a single irrigation season.
Place of use does not include federal public lands.

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).



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 74-15861

NAME AND ADDRESS: JAMES E RIGGAN
196 WIMPEY CREEK RD
SALMON, ID 83467

SOURCE: WIMPEY CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.21 CFS

Right Nos. 74-15015 and 74-15861 are limited to a total combined
diversion rate of 0.34 cfs.

PRIORITY DATE: 04/02/1972

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to
Section 42-1426, Idaho Code, the earlier priority right is the
superior right.

POINT OF DIVERSION: T21N R23E S24 NESESW Within Lemhi County
NESESW
SESESW
S25 NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.21 CFS

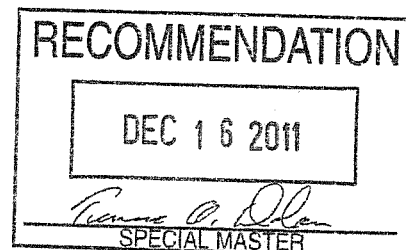
PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R23E S24	SESW 7.2
	S25	NENW 28.0
		SWNW 15.0
		SESW 1.0
		NWSW 2.0
	S26	SENE 1.5
		NESE 15.0
	73.0 Acres Total	

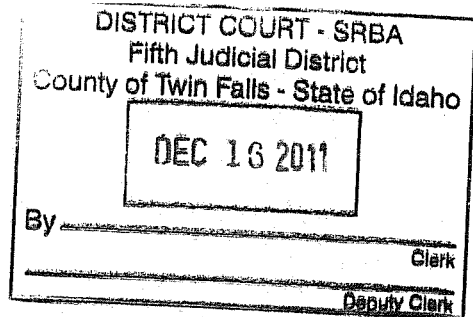
Right Nos. 74-15015 and 74-15861 are limited to the irrigation of
a combined total of 73.0 acres in a single irrigation season.

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

This right is based upon an enlargement of Right No. 74-15015
pursuant to Section 42-1426, Idaho Code.

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).





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): 74-15015
74-15861

On December 16, 2011, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 16, 2011.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 16 2011	
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): 74-15015
74-15861

CERTIFICATE OF MAILING

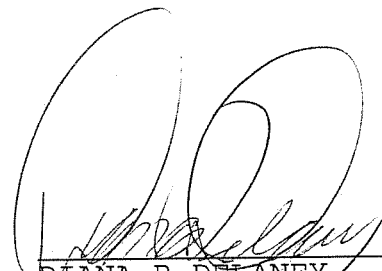
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 16, 2011, with sufficient first-class postage prepaid to the following:

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

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
12/16/11