

RECEIVED

MAR 27 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 26 2013	
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	)	Subcases 75-14352:
	)	75-14768 (Ellis)
	)	75-14769 (Halverson)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
_____	)	

Findings of Fact

On November 17, 2008, former SRBA Presiding Judge John M. Melanson entered a ***Partial Decree*** for water right 75-14352 to Diane and Jack Ellis, P.O. Box 301, Salmon, Idaho, 83467, .12 cfs from Smout Creek to irrigate 12 acres in Lemhi County from April 1 to October 31 with a priority date of May 1, 1915. On April 2, 2012, David W. Ellis wrote a letter to the Court on behalf of Bessie Y. Halverson, 25 West, 300 North, Rupert, Idaho, 83350, requesting the ***Partial Decree*** be set aside because "a 4-5 acre portion of the Halverson property was included in an SRBA claim (75-14352) by Jack and Diane Ellis whose irrigated property adjoins the Halverson acreage."

A hearing on the motion to set aside the ***Partial Decree*** was held on May 10, 2012, at the SRBA Courthouse in Twin Falls, Idaho. Don Halverson and David Ellis appeared on behalf of Ms. Halverson and the Ellises, *pro se*, and Garrick M. Baxter appeared for IDWR, along with Monica P. Van Bussum and Suzy Cooley-Denney.

On January 8, 2013, IDWR filed a *Notice of Completed Administrative Proceeding* splitting 75-14352 into 75-14768 (Ellis) and 75-14769 (Halverson). No one opposed IDWR's recommendation.

Conclusions of Law

1. The Ellises have shown good cause to have *Partial Decree* 75-14352 set aside; and
2. The Ellises and Ms. Halverson are entitled to partial decrees as described in the *NCAP* and the attached *Recommendations for Partial Decrees for Water Rights 75-14768 and 75-14769*.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. *Partial Decree* 75-14352 be set aside and the claim disallowed; and
2. The Ellises and Ms. Halverson be partially decreed water rights 75-14768 and 75-14769.

DATED March 26, 2013.



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 75-14768

NAME AND ADDRESS: DIANE M ELLIS
JACK F ELLIS
PO BOX 301
SALMON, ID 83467

SOURCE: SMOUT CREEK TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.12 CFS

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T23N R23E S31 SWNE Within Lemhi County
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 Within Lemhi County
T23N R23E S31 SENW 12.0
12.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 12.0 acres in a single irrigation season.
Combined Right Nos.: 75-14678, 75-14354 and 75-14356.

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 75-14769

NAME AND ADDRESS: BESSIE Y HALVERSON
25 W 300 N
RUPERT, ID 83350

SOURCE: SMOUT CREEK TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T23N R23E S31 SWNE Within Lemhi County
NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T23N R23E S31 SWNE 3.8
3.8 Acres Total

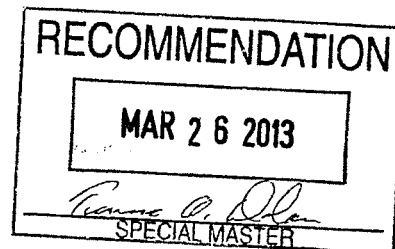
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 26 2013	
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

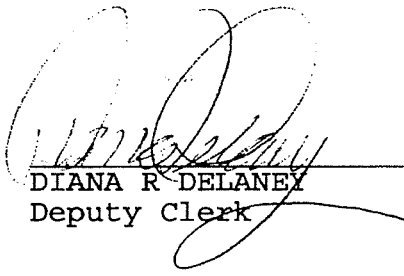
Water Right(s): 75-14352
75-14768 75-14769

On March 26, 2013, 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 March 26, 2013.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 26 2013	
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): 75-14352
75-14768 75-14769

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 March 26, 2013, with sufficient first-class postage prepaid to the following:

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

DAVID ELLIS
BOX 242
CARMEN, ID 83462
Phone: 208-756-6972

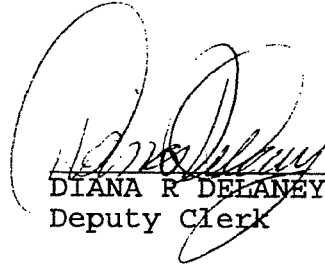
BESSIE HALVERSON
C/O DON HALVERSON
25 W 325 LANE NORTH
RUPERT, ID 83350
Phone: 208-436-3496

DIANE M ELLIS
JACK F ELLIS
PO BOX 301
SALMON, ID 83467
Phone: 208-756-2346

CERTIFICATE OF MAILING

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03/26/13

BESSIE Y HALVERSON
25 W 300 N
RUPERT, ID 83350



DIANA R DELANEY
Deputy Clerk