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MAY 29 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 28 2014	
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 45-14430 and 45-14431
	)	(Marchant)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

On April 17, 2013, SRBA Presiding Judge Eric J. Wildman entered an *Order Granting Motions to File Late Notice of Claims* in the above two subcases. Gerald and Celia Marchant, 24 E. Basin Road, Oakley, Idaho, 83346, claimed 1.31 cfs each from Mill Creek and groundwater to irrigate 65.5 acres in Cassia County from March 15 to November 15 both with a priority date of March 15, 1962, based on beneficial use.

IDWR filed its *Director's Report for Late Claims* on December 31, 2013, recommended both claims be disallowed: "Right not claimed in prior adjudication." The Marchants filed *Objections* on March 7, 2014, alleging the claims should be recommended as claimed. On May 19, 2014, the Marchants, with IDWR's concurrence, filed *Standard Forms 5* agreeing to .74 cfs from Mill Creek and .7 cfs from groundwater with priority dates of March 15, 1962, and June 30, 1985.

Conclusions of Law

The Marchants are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-14430 and 45-14431*.

DATED May 28, 2014.


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 45-14430
)

NAME AND ADDRESS: CELIA S MARCHANT
GERALD L MARCHANT
24 E BASIN RD
OAKLEY, ID 83346

SOURCE: MILL CREEK TRIBUTARY: SINKS

QUANTITY: 0.74 CFS

The rights listed below are limited to a total combined diversion
rate of 1.6 cfs.
Combined Right Nos.: 45-545, 45-546, 45-547, 45-628 & 45-14430.

PRIORITY DATE: 03/15/1962

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: T13S R23E S32 SESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.74 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R23E S32	NENE 31.5
	65.5 Acres Total	NWNE 34.0

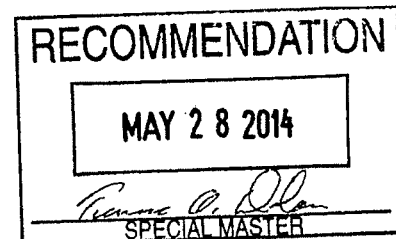
Uses of the rights listed below is limited to the irrigation of a
combined total of 141.5 acres in a single irrigation season.
Combined Right Nos.: 45-545, 45-546, 45-547, 45-628, 45-2497,
45-14430 & 45-14431.

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

This right is based upon an enlargement of Right Nos. 45-545,
45-546, 45-547 & 45-628 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).

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-14431

NAME AND ADDRESS: CELIA S MARCHANT
GERALD L MARCHANT
24 E BASIN RD
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 0.70 CFS

Right Nos. 45-2497 and 45-14431 are limited to a total combined
diversion rate of 1.52 cfs.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T13S R23E S32 NWSE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.70 CFS

PLACE OF USE: Irrigation Within Cassia County
T13S R23E S32 NENE 31.5 NWNE 34.0
65.5 Acres Total

Use of the rights listed below is limited to the irrigation of a
combined total of 141.5 acres in a single irrigation season.
Combined Right Nos.: 45-545, 45-546, 45-547, 45-628, 45-2497,
45-14430 & 45-144431.

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

This right is an expansion of Right No. 45-2497 pursuant to
Section 42-1416B, Idaho Code.

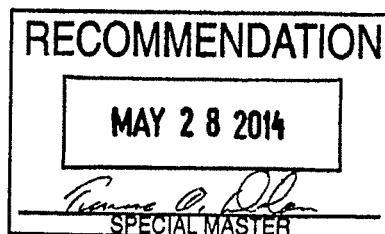
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

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



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WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 28 2014	
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

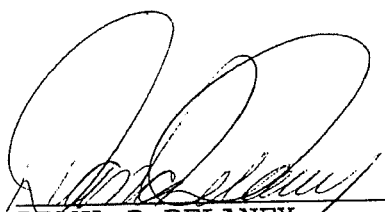
Water Right(s): 45-14430
45-14431

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 May 28, 2014, with sufficient first-class postage prepaid to
the following:

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

CELIA S MARCHANT
GERALD L & CELIA S MARCHANT
GERALD L MARCHANT
Represented by:
LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING