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OCT 29 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 27 2009	
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

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A
(Carlson)

On August 17, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own. In particular, that the source for these claims was outside the scope of the Lemhi Adjudication and therefore not barred by the doctrine of *res judicata*.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 27, 2009.

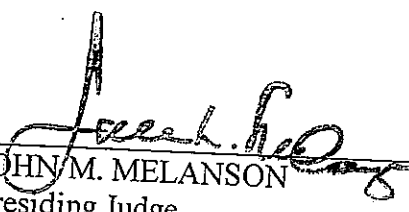

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - CARLSON

Subcase Nos:

74-00050A

74-00380A

74-00381A

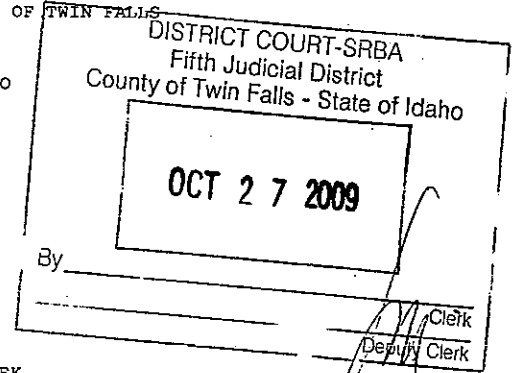
74-10146

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 74-00050A



NAME AND ADDRESS: EVELYN R CARLSON
THOMAS H CARLSON
6220 ROAD 216
PINE BLUFF, WY 82082

SOURCE: LITTLE TIMBER CREEK TRIBUTARY: BIG TIMBER CREEK

QUANTITY: 2.75 CFS

PRIORITY DATE: 11/06/1908

POINT OF DIVERSION: T15N R25E S24 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.75 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R25E S10 SESE 38.0	
	S11 NESW 40.0	SWSW 40.0
	SESW 40.0	
	158.0 Acres Total	

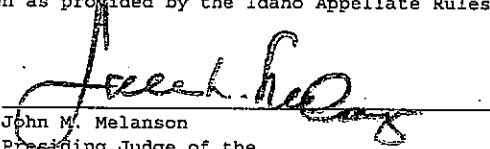
USE OF THIS RIGHT WITH RIGHT NO. 74-380A AND 74-381A IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE
IRRIGATION SEASON.

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

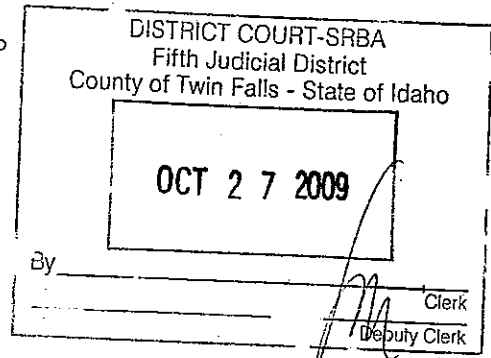
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.


John M. Melanson
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 74-00380A



NAME AND ADDRESS: EVELYN R CARLSON
THOMAS H CARLSON
6220 ROAD 216
PINE BLUFF, WY 82082

SOURCE: MILK CREEK TRIBUTARY: SINKS

QUANTITY: 0.20 CFS

PRIORITY DATE: 11/06/1908

POINT OF DIVERSION: T15N R25E S22 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R25E S10 SESE 38.0	
	S11 NESW 40.0	SWSW 40.0
	SESW 40.0	
	158.0 Acres Total	

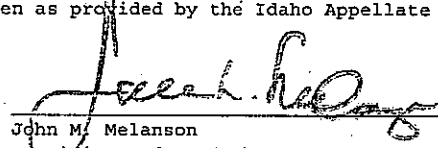
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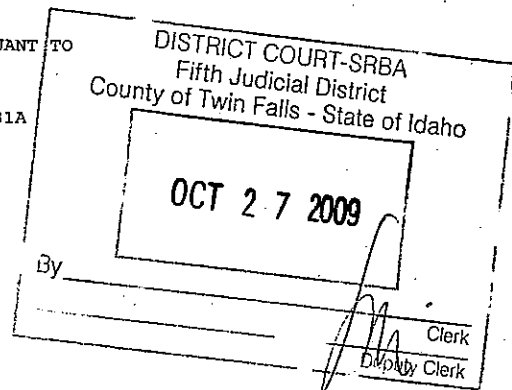
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 74-00381A



NAME AND ADDRESS: EVELYN R CARLSON
THOMAS H CARLSON
6220 ROAD 216
PINE BLUFF, WY 82082

SOURCE: SPRINGS

QUANTITY: 0.15 CFS

PRIORITY DATE: 11/06/1908

POINT OF DIVERSION: T15N R25E S22 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.15 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R25E S10 SESE 38.0	
	S11 NESW 40.0	SWSW 40.0
	SES 40.0	
	158.0 Acres Total	

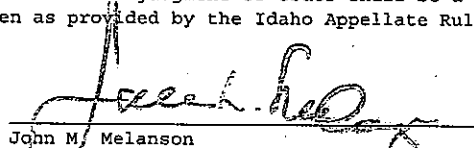
USE OF THIS RIGHT WITH RIGHT NO. 74-380A AND 74-50A IS LIMITED
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RULE 54(b) CERTIFICATE

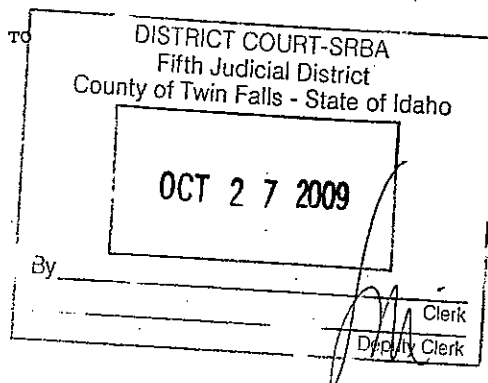
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John M. Melanson
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-10146



NAME AND ADDRESS: EVELYN R CARLSON
THOMAS H CARLSON
PO BOX 206
LEADORE, ID 83464

SOURCE: ADAMS CREEK TRIBUTARY: SINKS

QUANTITY: 0.40 CFS

PRIORITY DATE: 03/15/1927

POINT OF DIVERSION: T15N R25E S15 NWSW Within Lemhi County

RIGHT NOS. 74-50A, 74-380A, 74-381A AND 74-10146 ARE LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.16 CFS.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.40 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T15N R25E S10 SESE 38.0
S11 NESW 40.0
SESW 40.0
158.0 Acres Total

Stockwater Within Lemhi County
T15N R25E S10 SESE

Domestic Within Lemhi County
T15N R25E S10 SESE

USE OF THIS RIGHT WITH RIGHT NOS. 74-50A, 74-380A, AND 74-381A IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A
SINGLE IRRIGATION SEASON.

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

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RULE 54(b) CERTIFICATE

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 27, 2009, with sufficient first-class postage to the following:

EVELYN R CARLSON
THOMAS H & EVELYN R CARLSON
THOMAS H CARLSON

Represented by:
RAY W. 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

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