

FILED *4* MAY 1964 FBI - SPOKANE
SPOKANE, IDAHO

In Re SRBA
Case No. 39576

**FOR WATER RIGHT NOS.: 37-13434,
37-13471, 37-19940, 37-19942, 37-19943,
37-19944, 37-19946, 37-19947, 19948, 37-
19949 and 37-19950**

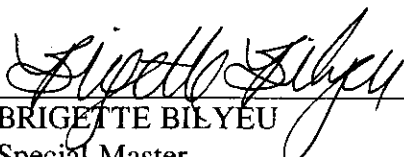
The Objectors filed a *Notice of Withdrawal of Objections and Responses* on August 29, 2002, prior to the filing of any responses. There are no unresolved objections remaining in this subcase. In addition, a *Stipulation and Joint Motion for Order Approving Stipulation* was filed by the parties on August 29, 2002 in the above listed subcases.

II. CONCLUSIONS OF LAW

The United States claimed these rights under state law. There is no assertion that these rights are based on a federal reservation. The United States claimed early priority dates for these rights. The priority dates were investigated by IDWR and recommended in the *Director's Report*. The *Director's Report* has *prima facie* weight.

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: February 6, 2003



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

2003 FEB -6 PM 11:22

FILED - SRBA
JANET CONNELL
CLERK - IDAHO

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): 37-13434
(SEE ATTACHED EXHIBIT A)

On February 06, 2003, Special Master BRIGETTE BILYEU 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 February 06, 2003.


JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

37-13434
37-13471
37-19940
37-19942
37-19943
37-19944
37-19946
37-19947
37-19948
37-19949
37-19950

2003 FEB -6 PM 4:22

FILED
TWIN FALLS, IDAHO
ST-SRBA

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): 37-13434
(SEE ATTACHED EXHIBIT A)

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 06, 2003, with sufficient first-class postage prepaid to the following:

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

USDA FOREST SERVICE

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



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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02/06/03

Exhibit A

Subcase Nos:

37-13434
37-13471
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37-19949
37-19950

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 37-19943

2003 FEB -6 PM 4:22

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: WESTERNHOME GULCH TRIBUTARY: GLADIATOR CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T06N R15E S03 NWSE (Instream Ending Point) Within Blaine County
T07N R15E S35 NWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	07-01 TO 09-30	0.02 CFS

PLACE OF USE:	Stockwater	Within Blaine County
	T06N R15E S03	SWNW SENW NESW NWSE
	T07N R15E S35	NWNW SWNW SENW NESW SESW SWSE

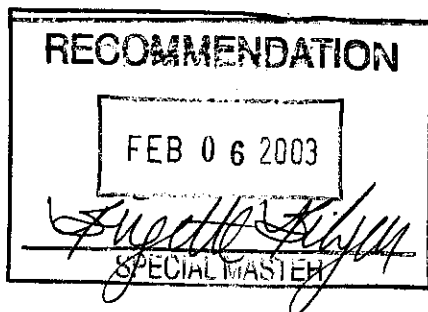
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication