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MAY 21 2003

Department of Water Resources

2003 MAY 20 PM 3:50

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
DISTRICT OF THE

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     | ) | SPECIAL MASTER'S REPORT                     |
|                | ) |                                             |
|                | ) | FINDINGS OF FACT AND                        |
| Case No. 39576 | ) | CONCLUSIONS OF LAW                          |
|                | ) |                                             |
|                | ) | FOR WATER RIGHTS 67-11043, 67-11044,        |
|                | ) | 67-11046, 67-11059, 67-14385, 67-14386, 67- |
|                | ) | 14393 and 67-14394                          |

I. FINDINGS OF FACT

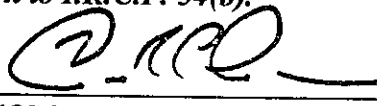
A notice of claim was filed for water rights 67-11043, 67-11044, 67-11046 and 67-11059 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

67-11044 and 67-11046 are unobjected to subcases. On September 17, 1999, an objection was filed by the United States of America, Bureau of Land Management in subcases 67-11043 and 67-11059. Responses were filed by Norman M Semanko on behalf of multiple parties. On August 29, 2003, the parties filed a *Stipulation and Joint Motion for Order Approving Stipulation*. On January 28, 2003, the parties filed a *Standard Form 5* splitting water right 67-11043 into water rights 67-14385 and 67-14386 and a *Standard Form 5* splitting water right 67-11059 into 67-14393 and 67-11394. All parties and IDWR are signatures to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form's 5*, IT IS RECOMMENDED that water rights 67-11059 and 67-11043 be decreed **disallowed**; water rights 67-11044 and 67-11046 (**disallowed**) be decreed as recommended in the Director's Report and 67-14385, 67-14386, 67-14393 and 67-14394 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 20, 2003.

  
THOMAS R. CUSHMAN  
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

2003 MAY 20 PM 3:50

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 67-11044

DISTRICT COURT-SRBA  
TWIN FALLS CO, IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: JAMES L ECKHARDT  
NELLIE ECKHARDT  
1275 JENKINS CREEK RD  
WEISER, ID 83672-5158

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Department of Water Resources

SOURCE: SHEEP CREEK TRIBUTARY: MONROE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1908

POINT OF DIVERSION: T12N R05W S07 NENESE (Instream Beginning Point) Within Washington County  
S18 NENESE (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 04-15 TO 11-15 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Washington County |
|---------------|---------------|--------------------------|
|               | T12N R05W S07 | SESE                     |
|               | S18           | SENE                     |
|               |               | NESE                     |

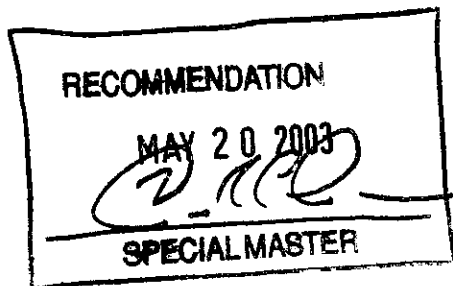
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2003 MAY 20 PM 3:50

DISTRICT COURT-SRBA  
TWIN FALLS CO, IDAHO  
FILED *[Signature]*

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 67-14385

NAME AND ADDRESS: JAMES L & NELLIE ECKHARDT  
1275 JENKINS CREEK RD  
WEISER, ID 83672

SOURCE: POND TRIBUTARY: JENKINS CREEK  
SPRING SCOTT CREEK  
SPRING SINKS

QUANTITY: 0.02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NOS.  
67-14386 AND 67-13079 AND IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/27/1934

POINT OF DIVERSION: T12N R05W S06 NWSNW Within Washington County  
R06W S25 SWSWSW  
T13N R06W S26 SENWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Washington County  
T12N R05W S06 SENW  
R06W S25 SWSW  
T13N R06W S26 NWSE

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.  
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS  
ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION  
AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED  
INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA  
AND JAMES L AND NELLIE ECKHARDT, FILED IN THE OFFICE OF THE  
WASHINGTON COUNTY RECORDER AND RECORDED ON NOVEMBER 13,  
2002 AS INSTRUMENT NO. 187717; THE PROVISIONS OF SUCH  
STIPULATION TO APPLY FULLY TO 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).

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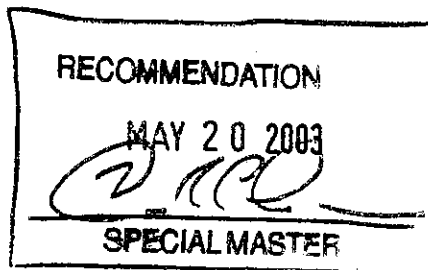
Department of Water Resources

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



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TWIN FALLS CO., IDAHO  
FILED                     

MAY 21 2003

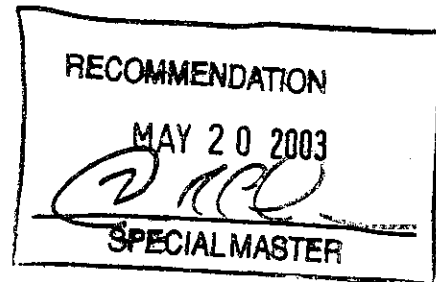
PAGE 1  
• Feb-06-2003

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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

2003 MAY 20 PM 3:50

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 67-14393

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: JAMES L & NELLIE ECKHARDT  
1275 JENKINS CREEK RD  
WEISER, ID 83672-5158

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SOURCE: MONROE CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.02 CFS

Department of Water Resources

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO  
67-14394 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF  
.02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1908

POINT OF DIVERSION: T13N R05W S30 LOT 1 (SWNNWN) (Instream Ending Point) Within Washington County  
LOT 3 (NWNWSE) (Instream Beginning Point)  
S31 NWSWNE (Instream Ending Point)  
R06W S24 SESENW (Instream Beginning Point)

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Stockwater 01-01 TO 12-31 0.02 CFS

PLACE OF USE: Stockwater Within Washington County  
T13N R05W S30 LOT 1 (NWNW) LOT 3 (NWSW)  
LOT 4 (SWSW)  
S31 SWNE NENW  
LOT 1 (NWNW) SENW  
R06W S24 SENW NWSE  
SWSE SESE  
S25 NENE

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

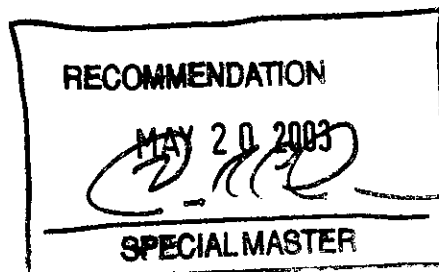
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
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TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 67-14394

NAME AND ADDRESS: JAMES L & NELLIE ECKHARDT  
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WEISER, ID 83672-5158

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SOURCE: MONROE CREEK TRIBUTARY: WEISER RIVER  
QUANTITY: 0.02 CFS

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DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS  
PER DAY

PRIORITY DATE: 06/27/1934

POINT OF DIVERSION: T13N R06W S30 LOT 2 (NWSWNW) (Instream Beginning Point) Within Washington County  
LOT 2 (SWSWNW) (Instream Ending Point)

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Stockwater 01-01 TO 12-31 0.02 CFS

PLACE OF USE: Stockwater Within Washington County  
T13N R05W S30 LOT 2 (SWNW)

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

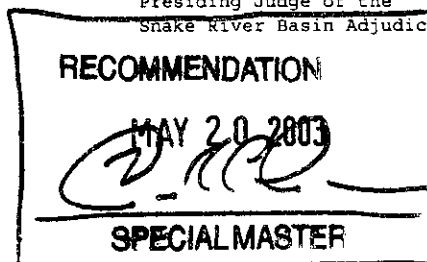
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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication



SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 67-14394 File Number: 00039

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TWIN FALLS CO. IDAHO  
FILED

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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 67-11043

67-11044 67-11046 67-11059

67-14385 67-14386 67-14393

67-14394

CERTIFICATE OF MAILING

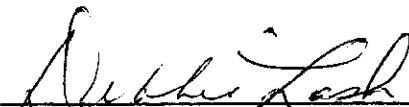
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 20, 2003, with sufficient first-class postage prepaid to the following:

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

Travis L Thompson  
P O Box 2139  
Boise, Idaho 83701

James & Nellie Eckhardt  
1275 Jenkins Creek Rd  
Weiser, Idaho 83672

United States Department of Justice  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/20/03

MAY 21 2003

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

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      Water Right(s): 67-11043
67-11044    67-11046    67-11059
67-14385    67-14386    67-14393
67-14394

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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.

Debbie Lash  
DEBBIE LASH  
Deputy Clerk