

2003 MAY 23 PM 3:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *OK*

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 72-16010C
	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water right 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 this water right.

On August 29, 1997, an objection was filed by the State of Idaho, on August 28, 1997, an objection was filed by the United States of America, Bureau of Land Management. Subsequently, a *Standard Form 5* was filed on August 2, 2002. The amended claim attached to the SF5 resulted in a change in places of use. No objections were filed to the amendment and the time for filing as expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 72-16010C be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 22, 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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-16010C

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DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED *AK*

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T11N R17E S27 LOT 5 () (Instream Beginning Point) Within Custer County
R18E S14 LOT 1 () (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 Custer County

T11N R17E S22 LOT 3 ()	LOT 2 ()
LOT 1 ()	LOT 4 ()
S23 LOT 4 ()	LOT 3 ()
LOT 1 ()	LOT 2 ()
S24 LOT 1 ()	
S25 LOT 9 ()	LOT 2 ()
LOT 4 ()	LOT 12 ()
LOT 6 ()	LOT 7 ()
LOT 8 ()	
S26 LOT 1 ()	LOT 3 ()
LOT 2 ()	LOT 4 ()
LOT 5 ()	
S27 LOT 1 ()	LOT 2 ()
LOT 5 ()	
R18E S14 LOT 1 ()	LOT 5 ()
LOT 6 ()	LOT 7 ()
S15 LOT 3 ()	LOT 1 ()
LOT 4 ()	LOT 5 ()
LOT 2 ()	
S22 LOT 1 ()	LOT 7 ()
LOT 3 ()	LOT 4 ()
LOT 2 ()	LOT 9 ()
LOT 5 ()	LOT 6 ()
LOT 11 ()	LOT 12 ()
LOT 13 ()	LOT 14 ()
LOT 15 ()	LOT 16 ()
S27 LOT 1 ()	LOT 3 ()
S28 LOT 1 ()	LOT 5 ()
LOT 4 ()	LOT 6 ()
LOT 2 ()	LOT 3 ()
LOT 7 ()	LOT 8 ()
S29 LOT 6 ()	LOT 5 ()
LOT 8 ()	LOT 3 ()
LOT 4 ()	LOT 1 ()
LOT 2 ()	LOT 7 ()
S30 LOT 7 ()	LOT 8 ()

PLACE OF USE (continued)

LOT 5 ()	LOT 6 ()
LOT 1 ()	LOT 2 ()
LOT 3 ()	LOT 4 ()

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

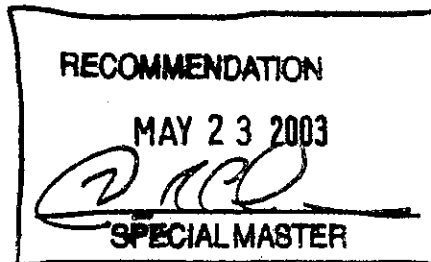
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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



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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-16010C

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 23, 2003, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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

CERTIFICATE OF MAILING

[Signature] PAGE 1
05/23/03
DEPUTY CLERK
Deputy Clerk

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

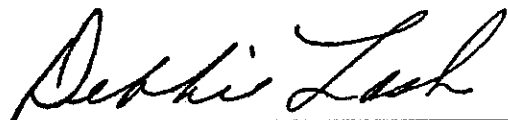
Water Right(s): 72-16010C

On May 23, 2003, Special Master THOMAS R CUSHMAN
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 May 23, 2003.



DEBBIE LASH
Deputy Clerk