

2003 JUN 24 AM 11:10

DISTRICT COURT-SRBA
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

Case No. 39576

)
) **Subcase 47-08043**
) **(USDI/BLM)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

The United states of America, Department of Interior, Bureau of Land Management ("USDI/BLM"), 1387 S. Vinnell Way, Boise, Idaho, 83709, filed a *Notice of Claim to a Water Right* under 47-08043 claiming .03 cfs from Curtis Spring for year-'round wildlife use and for stockwater use in Twin Falls County from April 20 to November 15 with a priority date of April 17, 1986, based on a permit. The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended 47-08043 for .01 cfs for year-'round stockwater storage, wildlife use, wildlife storage and wildlife from storage, plus stockwater use from April 20 to October 15 and stockwater from storage from April 16 to October 15 based on a license.

The USDI/BLM filed an *Objection* on February 12, 1999, objecting to quantity and points of diversion. On December 27, 2001, the Western Stock Growers Association ("WSGA") was granted leave to file a late *Objection*.

On August 29, 2002, the United States (USDA/FS and USDI/BLM) and certain "private parties," including the WSGA, filed a *Stipulation and Joint Motion for Order Approving Stipulation* in multiple subcases, including 47-08043. As part of the *Stipulation*, the private parties agreed to dismiss their objections and responses. Finally, on April 28, 2003, the USDI/BLM and the WSGA, with IDWR's concurrence, filed an *Amended Claim Standard Form 5*. No one objected to the Director's amended recommendation.

Conclusions of Law

The USDI/BLM is entitled to a partial decree adjudicating a water right as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-08043*.

DATED June 24, 2003.



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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-08043

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TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709

SOURCE: CURTIS SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS
4.20 AFY

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

PRIORITY DATE: 04/17/1986

POINT OF DIVERSION: T13S R17E S01 SWSW Within Twin Falls County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-16 TO 10-15	0.01 CFS
			3.80 AFY
	Wildlife	01-01 TO 12-30	0.01 CFS
			0.40 AFY
	Stockwater Storage	01-01 TO 12-31	0.50 AFY
	Stockwater from Storage	04-16 TO 10-15	0.50 AFY
	Wildlife Storage	01-01 TO 12-31	0.40 AFY
	Wildlife from Storage	01-01 TO 12-31	0.40 AFY

PLACE OF USE:	Stockwater		Within Twin Falls County
	T12S R17E S36	SWSW	
	Stockwater Storage		Within Twin Falls County
	T12S R17E S36	SWSW	
	Stockwater from Storage		Within Twin Falls County
	T12S R17E S36	SWSW	
	Wildlife		Within Twin Falls County
	T12S R17E S36	SWSW	
	Wildlife Storage		Within Twin Falls County
	T12S R17E S36	SWSW	
	Wildlife from Storage		Within Twin Falls County
	T12S R17E S36	SWSW	

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.
PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES
BLM RECORD ID = 4702488141
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 WESTERN
STOCKGROWERS ASSOCIATION ET AL., FILED IN THE OFFICE OF THE TWIN
FALLS COUNTY RECORDER AND RECORDED ON APRIL 21, 2003 AS

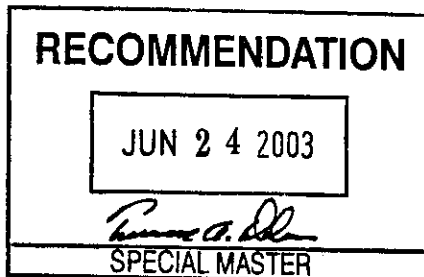
OTHER PROVISIONS (continued)

INSTRUMENT NO. 2003-010014; 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).

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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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 47-08043

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 June 24, 2003, with sufficient first-class postage prepaid to the following:

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

USDI BLM

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

WESTERN STOCK GROWERS ASSOC.
2391 ROCK CREEK ROAD
HANSEN, ID 83334
Phone: 208-423-5066

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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06/24/03

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 47-08043

On June 24, 2003, Special Master TERRENCE A. DOLAN
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (A01), 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 June 24, 2003.



ROBBIN HALL
Deputy Clerk