

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-47-16752

2003 JUN 25 PM 2:09

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: WESTERN STOCK GROWERS
ASSOCIATION
2391 ROCK CREEK RD
HANSEN, ID 83334

SOURCE: INDIAN JOHNNY SPRINGS TRIBUTARY: DRY GULCH

QUANTITY: 0.01 CFS

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

PRIORITY DATE: 04/18/1926

POINT OF DIVERSION: T12S R18E S27 NWNWSW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.01 CFS

PLACE OF USE: Stockwater Within Twin Falls County
T12S R18E S27 NWSW

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
WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN THE OFFICE OF
THE TWIN FALLS COUNTY RECORDER AND RECORDED ON APRIL 21, 2003, AS
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.

RECOMMENDATION

JUN 25 2003

Roger A. Burdick
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 30 2003

Department of Water Resources

2003 JUN 25 PM 2:08

FILED
DISTRICT COURT
TWIN FALLS CO., 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

)
) Subcases 47-12383, *et al.*¹
) (WSGA)
)
) SPECIAL MASTER REPORT

Findings of Fact

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 the above 12 claims to the Western Stock Growers Association ("WSGA"), 2391 Rock Creek Road, Hansen, Idaho, 83334, for *de minimis* amounts from various springs and creeks in Twin Falls County for stockwater use from May 15 to October 15, all with a priority date of June 1, 1872, based on beneficial use.

On February 12, 1999, the United States of America, Department of Agriculture, Forest Service ("USDA/FS") filed an *Objection*. On January 15, 2002, the State of Idaho was granted leave to participate as an *amicus curiae*. However, on September 11, 2002, the State was granted leave to withdraw as a participant.

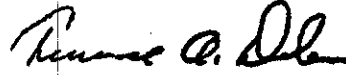
On August 29, 2002, the United States (USDA/FS and USDI/BLM) and certain "private parties," including the WSGA, filed a *Stipulation and Joint Motion for Order Approving Stipulation* in multiple subcases, including the above 12 claims. As part of the *Stipulation*, the United States agreed to dismiss its objections. Finally, on April 28, 2003, the WSGA and the USDA/FS, with IDWR's concurrence, filed *Standard Forms 5*.

¹ This *Special Master Report* includes the following 12 claims: 47-12383, 47-16734, 47-16735, 47-16737, 47-16739, 47-16742, 47-16743, 47-16744, 47-16748, 47-16750, 47-16752 and 47-16753.

Conclusions of Law

The WSGA is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached 12 *Special Master Recommendations for Partial Decrees*.

DATED June 25, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 47-12383
(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 June 25, 2003, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
06/25/03

WESTERN STOCK GROWERS
WESTERN STOCK GROWERS ASSOCIAT
WESTERN STOCKGROWERS ASSN

Represented by:
NORMAN M. SEMANKO
ATTORNEY AT LAW
205 N 10TH ST, STE 530
BOISE, ID 83702
Phone: 208-344-6690

USDA FOREST SERVICE
USDI BLM

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



ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

47-12383
47-16734
47-16735
47-16737
47-16739
47-16742
47-16743
47-16744
47-16748
47-16750
47-16752
47-16753

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

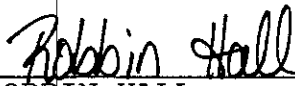
Water Right(s): 47-12383
(SEE ATTACHED EXHIBIT A)

On June 25, 2003, Special Master TERRENCE A. DOLAN 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 June 25, 2003.



ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

47-12383
47-16734
47-16735
47-16737
47-16739
47-16742
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