

2003 OCT 15 AM 9:05

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

SUBCASES: (SEE ATTACHED EXHIBIT A)

SPECIAL MASTER'S REPORT

FINDINGS OF FACT

A notice of claim was filed for the above listed water rights 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 and filed a *Director's Report*. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On December 4, 1997, the State of Idaho filed an *Objection* to the priority date of these water rights. A *Stipulation* between the United States and the State of Idaho was filed on August 10, 1999, agreeing to a priority date of April 17, 1926, on all cases except 51-11950. At hearing on June 20, 2003, the parties agreed to a June 28, 1934, priority date for subcase 51-11950.

On August 6, 1999, C. E. Brackett Cattle Company filed a *Motion to File Late Objections (Motion)*. A *Recommendation Denying Motion to File Late Objections* was issued on March 13, 2002.

On November 1, 2002, a *Joint Motion to Dismiss Objections, Motions to File Late Objections, and Motions to Set Aside Partial Decree (Joint Motion)* was filed by Craig Pridgen and Roger Ling on behalf of the Brackett entities, and Larry Brown on behalf of the United States. The State of Idaho did not sign the *Joint Motion*. On May 13, 2003, an *Order Dismissing Objections; Motions to File Late Objections; and Motion to Set Aside Partial Decrees* was issued.

CONCLUSIONS OF LAW

Based on the file and record herein and pursuant to the *Joint Motion* withdrawing motions and dismissing objections, and the *Stipulation* filed by the United States and the State of Idaho, IT IS RECOMMENDED that these subcases be decreed with the elements as set for the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated October 9, 2003.



THOMAS R. CUSHMAN

Special Master

Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

51-11907
51-11911
51-11950
51-11980
51-12088
51-12091
51-12108
51-12114
51-12117

2003 OCT 15 AM 9:06

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

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): 51-11907

51-11911	51-11950	51-11980
51-12088	51-12091	51-12108
51-12114	51-12117	

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 October 15, 2003, with sufficient first-class postage prepaid to the following:

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

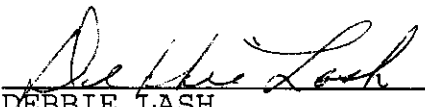
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

PAGE 1
10/15/03

USDI BLM

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



DEBBIE LASH
Deputy Clerk

2003 OCT 15 AM 9:06

DISTRICT COURT-SRBA
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

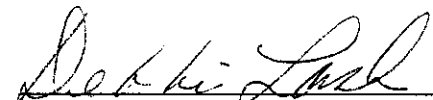
Water Right(s): 51-11907
51-11911 51-11950 51-11980
51-12088 51-12091 51-12108
51-12114 51-12117

On October 15, 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 October 15, 2003.


DEBBIE LASH
Deputy Clerk

2023 OCT 15 AM 9:06

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

QUANTITY: 10.00 AFY

PRIORITY DATE: 04/17/1926

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW *
* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *

POINT OF DIVERSION:	T13S R07E S12	SWSW	Within Owyhee County
		SESW	
	S13	NENW	
		NWNW	
		SESW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	10.00 AFY
	Stockwater from Storage	01-01 TO 12-31	10.00 AFY

PLACE OF USE:	Stockwater Storage	Within Owyhee County
	T13S R07E S12	SESW
	S13	NWNW
	SENW	
	Stockwater from Storage	Within Owyhee County
	T13S R07E S12	SESW
	S13	NWNW
	SENW	

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.

Presiding Judge of the
Snake River Basin Adjudication

