

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

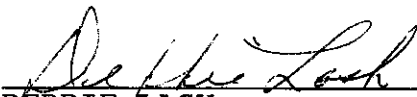
STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

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  
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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

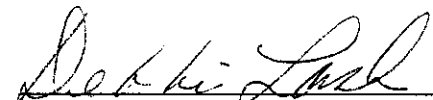
Water Right(s): 51-11907  
51-11911 51-11950 51-11980  
51-12088 51-12091 51-12108  
51-12114 51-12117

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

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 51-12117

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TWIN FALLS CO, IDAHO  
FILED

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

SOURCE: PLAYA TRIBUTARY: SINKS

QUANTITY: 5.00 AFY

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

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 R08E S30 LOT 4 ( SWSW) Within Owyhee County  
SESW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------------|-------------------------|----------------|----------|
|                               | Stockwater Storage      | 01-01 TO 12-31 | 5.00 AFY |
|                               | Stockwater from Storage | 01-01 TO 12-31 | 5.00 AFY |

|               |                            |                      |
|---------------|----------------------------|----------------------|
| PLACE OF USE: | Stockwater Storage         | Within Owyhee County |
|               | T13S R08E S30 LOT 4 (SWSW) | SESW                 |
|               | Stockwater from Storage    | Within Owyhee County |
|               | T13S R08E S30 LOT 4 (SWSW) | SESW                 |

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.

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Presiding Judge of the  
Snake River Basin Adjudication

