

NOV 24 2003

2003 NOV 21 AM 9: 06

DISTRICT COURT-SRBA  
RICT OF THE CO., ID 410  
IN FALLS

## SPECIAL MASTER'S REPORT

**Case No. 39576**

**FOR WATER RIGHT 51-11971**

A *Special Master's Report and Recommendation* was issued on November 21, 2002, for the above listed subcase. A *Partial Decree* was issued on January 10, 2003. The United States Bureau of Land Management filed a *Motion to Set Aside Partial Decree and Refer Subcases to the Special Master* on August 13, 2003. The *Motion* states "Through oversight or omission, neither the BLM's objections, nor the State of Idaho's objections, were resolved and dismissed prior to the partial decrees being filed."

After further review of the file and record herein, IT IS RECOMMENDED that the *Motion* be **granted**. IT IS FURTHER RECOMMENDED that pursuant to the *Standard Form 5* filed on October 20, 2003, an amended partial decree be issued with the elements as set forth in the attached *Amended Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated November 21, 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 51-11971

2003 NOV 21 AM 9:06

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

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

RECEIVED

NOV 24 2003

Department of Water Resources

SOURCE: JARBIDGE RIVER, EAST FORK TRIBUTARY: JARBIDGE 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: T16S R09E S10 NENWSE (Instream Ending Point) Within Owyhee County  
S13 SWSWSW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.04 CFS |

| PLACE OF USE: | Stockwater    |      | Within Owyhee County |
|---------------|---------------|------|----------------------|
|               | T16S R09E S10 | NESE | NWSE                 |
|               |               | SESE |                      |
|               | S11           | SWSW |                      |
|               | S13           | SWSW |                      |
|               | S14           | SWNE | NENW                 |
|               |               | NWNW | SENW                 |
|               |               | NESE | NWSE                 |
|               |               | SESE |                      |

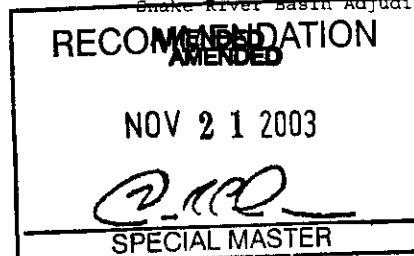
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



RECEIVED

NOV 24 2003

Department of Water Resources

2003 NOV 21 AM 9:08

DISTRICT COURT - 557A  
TWIN FALLS, IDAHO  
FILED *PL*

**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     | ) | <b>SUBCASES: See Attached Exhibit A</b> |
|                | ) |                                         |
| Case No. 39576 | ) | <b>CERTIFICATE OF MAILING</b>           |
| _____          | ) |                                         |

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND AMENDED RECOMMENDATIONS FOR AMENDED PARTIAL DECREES and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND AMENDED RECOMMENDATIONS were mailed November 21, 2003, with sufficient first-class postage to the following:

Director of IDWR  
P O Box 83720  
Boise, Idaho 83720-0098

United States of America  
Department of Justice  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

State of Idaho  
Office of the Attorney General  
P O Box 44449  
Boise, Idaho 83711-4449

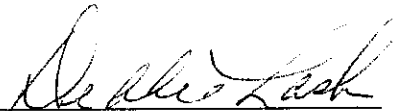
  
Deputy Clerk

EXHIBIT A

Subcase Nos:

51-11969  
51-11971  
51-11972  
51-11974  
51-11975  
51-11976  
51-12013  
51-12079  
51-12349  
51-12350  
51-12372  
51-12374  
51-12433  
51-12434  
51-12436  
51-12442  
51-12443  
51-12448  
51-12502

RECEIVED

NOV 24 2003

Department of Water Resources

(Subcase list: 51CUSHMAN )  
11/21/03

RECEIVED

NOV 24 2003

Department of Water Resources

2003 NOV 21 AM 9:08

DISTRICT 5  
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: See Attached Exhibit A

NOTICE OF ISSUANCE

On November 21, 2003, special Master THOMAS R. CUSHMAN issued a **SPECIAL MASTER'S REPORT AND AMENDED 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 by the 28th day of the month following the publication of the filing of the **Special Master's Report and Amended Recommendation** in the Docket Sheet (**AO1**, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the **Special Master's Report and Amended Recommendation** shall constitute a waiver of the right to challenge it before the Presiding Judge.

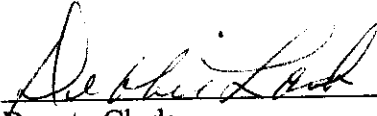
  
Deputy Clerk

EXHIBIT A

Subcase Nos:

51-11969  
51-11971  
51-11972  
51-11974  
51-11975  
51-11976  
51-12013  
51-12079  
51-12349  
51-12350  
51-12372  
51-12374  
51-12433  
51-12434  
51-12436  
51-12442  
51-12443  
51-12448  
51-12502

RECEIVED

NOV 24 2003

Department of Water Resources

(Subcase list: 51CUSHMAN )  
11/21/03