

2004 MAR -9 PM 4:16
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 75-13300
	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the State of Idaho on February 23, 1999. An *Objection* was filed by the United States Bureau of Land Management on April 6, 1999. The *Objections* to this water right were resolved with the filing of a *Standard Form 5/Amended Claim* on December 18, 2003. All parties to the subcase and IDWR are signatories to the *Standard Form 5/Amended Claim*. The *Standard Form 5/Amended Claim* was placed on the Docket Sheet. No objections were filed and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: March 9, 2004.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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Water Right 75-13300

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

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/28/1934

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 75-13300 File Number: 00111

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

POINT OF DIVERSION (continued)

S07 LOT 15	()	(Instream Beginning Point)
S29 LOT 2	()	(Instream Ending Point)
S32 LOT 2	()	(Instream Beginning Point)
T23N R21E S01 LOT 7	()	(Instream Beginning Point)
LOT 7	()	(Instream Ending Point)
S12 LOT 7	()	(Instream Beginning Point)
LOT 7	()	(Instream Ending Point)
R22E S19 LOT 6	()	(Instream Beginning Point)
LOT 4	()	(Instream Ending Point)
S31 LOT 8	()	(Instream Beginning Point)
LOT 5	()	(Instream Ending Point)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Stockwater

PERIOD OF USE

01-01 TO 12-31

QUANTITY

0.02 CFS

PLACE OF USE:

Stockwater

Within Lemhi County

T16N R20E S13

SESE

S24 LOT 2	()	LOT 5	()
LOT 7	()		
R21E S05 LOT 2	()	LOT 9	()
LOT 10	()		
S08 LOT 2	()	LOT 3	()
LOT 4	()	LOT 5	()
LOT 6	()	LOT 7	()
LOT 8	()		
S17 LOT 1	()	LOT 2	()
LOT 3	()		
S18 LOT 3	()	LOT 4	()
LOT 5	()	LOT 6	()
LOT 8	()	LOT 10	()
LOT 11	()		
T17N R21E S04 LOT 1	()	LOT 4	()
LOT 5	()	LOT 6	()
LOT 7	()	LOT 8	()
LOT 10	()	LOT 11	()
LOT 12	()		
S08 LOT 2	()	LOT 7	()
LOT 8	()		
S09 LOT 1	()	LOT 4	()
S17 LOT 10	()		
S20 LOT 1	()	LOT 10	()
S28 LOT 1	()	LOT 2	()
S29 LOT 3	()	LOT 6	()
LOT 7	()	LOT 8	()
S32 LOT 2	()	LOT 5	()
LOT 6	()	LOT 7	()
T18N R21E S03 LOT 6	()		
S09 LOT 4	()		
S10 LOT 3	()	LOT 4	()
S15 LOT 5	()		
S21 LOT 2	()		
S28 LOT 1	()	LOT 3	()
LOT 4	()	LOT 5	()
LOT 6	()	LOT 7	()
LOT 8	()		
S33 LOT 1	()	LOT 2	()
LOT 4	()	LOT 5	()
LOT 7	()	LOT 8	()
T19N R21E S11 LOT 3	()	LOT 4	()
LOT 5	()	LOT 6	()
LOT 7	()	LOT 8	()
LOT 9	()	LOT 10	()

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

S14 LOT 1 ()	LOT 2 ()
LOT 3 ()	LOT 4 ()
LOT 7 ()	LOT 8 ()
S22 LOT 1 ()	LOT 2 ()
LOT 3 ()	LOT 4 ()
LOT 5 ()	
S23 LOT 1 ()	LOT 2 ()
LOT 3 ()	LOT 4 ()
LOT 5 ()	LOT 8 ()
LOT 9 ()	
S27 LOT 1 ()	LOT 2 ()
LOT 3 ()	LOT 4 ()
LOT 5 ()	LOT 10 ()
S34 LOT 2 ()	LOT 3 ()
LOT 4 ()	LOT 6 ()
T20N R21E S25 LOT 9 ()	
S35 LOT 1 ()	LOT 4 ()
LOT 5 ()	
R22E S06 LOT 1 ()	LOT 10 ()
LOT 12 ()	LOT 14 ()
S07 LOT 8 ()	LOT 12 ()
LOT 17 ()	LOT 18 ()
LOT 19 ()	LOT 20 ()
T21N R21E S12 LOT 2 ()	LOT 3 ()
LOT 4 ()	
S13 LOT 1 ()	LOT 2 ()
R22E S07 - NWNW	SWNW
S31 LOT 13 ()	LOT 15 ()
T22N R22E S06 LOT 15 ()	
S07 LOT 14 ()	LOT 15 ()
S29 LOT 2 ()	LOT 4 ()
LOT 6 ()	LOT 8 ()
S32 LOT 2 ()	
T23N R21E S01 LOT 7 ()	
S12 LOT 7 ()	
R22E S19 LOT 4 ()	LOT 6 ()
S31 LOT 5 ()	LOT 8 ()

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

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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 75-13300

On March 09, 2004, Special Master BRIGETTE BILYEU
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 March 09, 2004.


JANET CONNELL
Deputy Clerk

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CERTIFICATE OF MAILING

Water Right(s) : 75-13300

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 March 09, 2004, 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

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

CERTIFICATE OF MAILING

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JANET CONNELL 03/09/04
Deputy Clerk