

2004 MAR 10 PM 2 48

## II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Notice Regarding Priority Date*, IT IS RECOMMENDED that the water rights listed on Exhibit A, be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED March 10, 2004.

  
THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

# EXHIBIT A MASTER REPORT

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 79-10985 | 79-11065 | 79-11155 | 79-11247 | 79-11332 | 79-11441 |
| 79-10989 | 79-11067 | 79-11156 | 79-11248 | 79-11334 | 79-11442 |
| 79-10991 | 79-11070 | 79-11157 | 79-11249 | 79-11337 | 79-11444 |
| 79-10992 | 79-11072 | 79-11158 | 79-11250 | 79-11339 | 79-11445 |
| 79-10993 | 79-11073 | 79-11160 | 79-11256 | 79-11341 | 79-11447 |
| 79-10994 | 79-11074 | 79-11164 | 79-11257 | 79-11345 | 79-11448 |
| 79-10995 | 79-11075 | 79-11165 | 79-11259 | 79-11348 | 79-11449 |
| 79-10996 | 79-11076 | 79-11167 | 79-11260 | 79-11351 | 79-11450 |
| 79-10997 | 79-11077 | 79-11168 | 79-11261 | 79-11352 | 79-11452 |
| 79-11000 | 79-11078 | 79-11169 | 79-11262 | 79-11356 | 79-11455 |
| 79-11002 | 79-11079 | 79-11170 | 79-11263 | 79-11357 | 79-11456 |
| 79-11003 | 79-11080 | 79-11172 | 79-11265 | 79-11358 | 79-11458 |
| 79-11006 | 79-11081 | 79-11178 | 79-11266 | 79-11363 | 79-11459 |
| 79-11008 | 79-11082 | 79-11179 | 79-11267 | 79-11364 | 79-11466 |
| 79-11009 | 79-11083 | 79-11180 | 79-11269 | 79-11365 | 79-11467 |
| 79-11012 | 79-11086 | 79-11182 | 79-11270 | 79-11367 | 79-11468 |
| 79-11013 | 79-11087 | 79-11185 | 79-11272 | 79-11369 | 79-11469 |
| 79-11014 | 79-11089 | 79-11187 | 79-11273 | 79-11370 | 79-11471 |
| 79-11015 | 79-11090 | 79-11188 | 79-11274 | 79-11372 | 79-11473 |
| 79-11016 | 79-11091 | 79-11189 | 79-11275 | 79-11373 | 79-11475 |
| 79-11017 | 79-11092 | 79-11190 | 79-11276 | 79-11374 | 79-11476 |
| 79-11018 | 79-11093 | 79-11191 | 79-11278 | 79-11376 | 79-11477 |
| 79-11019 | 79-11094 | 79-11193 | 79-11279 | 79-11377 | 79-11480 |
| 79-11020 | 79-11096 | 79-11195 | 79-11280 | 79-11378 | 79-11481 |
| 79-11021 | 79-11098 | 79-11196 | 79-11282 | 79-11379 | 79-11482 |
| 79-11022 | 79-11100 | 79-11199 | 79-11284 | 79-11380 | 79-11483 |
| 79-11023 | 79-11101 | 79-11201 | 79-11285 | 79-11385 | 79-11485 |
| 79-11024 | 79-11104 | 79-11202 | 79-11286 | 79-11386 | 79-11487 |
| 79-11025 | 79-11105 | 79-11203 | 79-11287 | 79-11387 | 79-11488 |
| 79-11026 | 79-11106 | 79-11204 | 79-11288 | 79-11388 | 79-11489 |
| 79-11030 | 79-11107 | 79-11205 | 79-11295 | 79-11389 | 79-11490 |
| 79-11033 | 79-11108 | 79-11207 | 79-11304 | 79-11391 | 79-11491 |
| 79-11035 | 79-11109 | 79-11208 | 79-11307 | 79-11405 | 79-11492 |
| 79-11037 | 79-11111 | 79-11209 | 79-11310 | 79-11409 | 79-11493 |
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| 79-11041 | 79-11120 | 79-11212 | 79-11313 | 79-11412 | 79-11497 |
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| 79-11062 | 79-11152 | 79-11244 | 79-11326 | 79-11434 | 79-11517 |
| 79-11063 | 79-11153 | 79-11245 | 79-11327 | 79-11436 | 79-11518 |
| 79-11064 | 79-11154 | 79-11246 | 79-11331 | 79-11439 | 79-11523 |

(Subcase list: 79ST/SEM )  
3/10/04

# EXHIBIT A MASTER REPORT

## Subcase Nos:

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| 79-11524 | 79-11593 |
| 79-11527 | 79-11736 |
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| 79-11534 | 79-11744 |
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| 79-11545 | 79-11764 |
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| 79-11591 |          |
| 79-11592 |          |

(Subcase list: 79ST/SEM )  
3/10/04

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

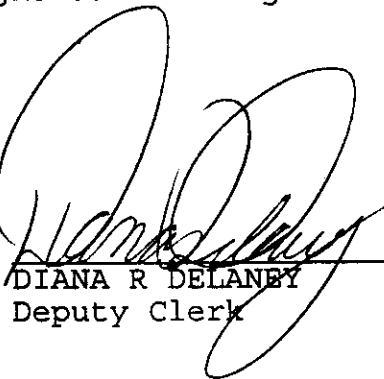
Water Right(s): 79-10985  
(SEE ATTACHED EXHIBIT A)

On March 10, 2004, 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 March 10, 2004.



DIANA R DELANEY  
Deputy Clerk

# EXHIBIT A MASTER REPORT

## Subcase Nos:

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| 79-10989 | 79-11067 | 79-11156 | 79-11248 | 79-11334 | 79-11442 |
| 79-10991 | 79-11070 | 79-11157 | 79-11249 | 79-11337 | 79-11444 |
| 79-10992 | 79-11072 | 79-11158 | 79-11250 | 79-11339 | 79-11445 |
| 79-10993 | 79-11073 | 79-11160 | 79-11256 | 79-11341 | 79-11447 |
| 79-10994 | 79-11074 | 79-11164 | 79-11257 | 79-11345 | 79-11448 |
| 79-10995 | 79-11075 | 79-11165 | 79-11259 | 79-11348 | 79-11449 |
| 79-10996 | 79-11076 | 79-11167 | 79-11260 | 79-11351 | 79-11450 |
| 79-10997 | 79-11077 | 79-11168 | 79-11261 | 79-11352 | 79-11452 |
| 79-11000 | 79-11078 | 79-11169 | 79-11262 | 79-11356 | 79-11455 |
| 79-11002 | 79-11079 | 79-11170 | 79-11263 | 79-11357 | 79-11456 |
| 79-11003 | 79-11080 | 79-11172 | 79-11265 | 79-11358 | 79-11458 |
| 79-11006 | 79-11081 | 79-11178 | 79-11266 | 79-11363 | 79-11459 |
| 79-11008 | 79-11082 | 79-11179 | 79-11267 | 79-11364 | 79-11466 |
| 79-11009 | 79-11083 | 79-11180 | 79-11269 | 79-11365 | 79-11467 |
| 79-11012 | 79-11086 | 79-11182 | 79-11270 | 79-11367 | 79-11468 |
| 79-11013 | 79-11087 | 79-11185 | 79-11272 | 79-11369 | 79-11469 |
| 79-11014 | 79-11089 | 79-11187 | 79-11273 | 79-11370 | 79-11471 |
| 79-11015 | 79-11090 | 79-11188 | 79-11274 | 79-11372 | 79-11473 |
| 79-11016 | 79-11091 | 79-11189 | 79-11275 | 79-11373 | 79-11475 |
| 79-11017 | 79-11092 | 79-11190 | 79-11276 | 79-11374 | 79-11476 |
| 79-11018 | 79-11093 | 79-11191 | 79-11278 | 79-11376 | 79-11477 |
| 79-11019 | 79-11094 | 79-11193 | 79-11279 | 79-11377 | 79-11480 |
| 79-11020 | 79-11096 | 79-11195 | 79-11280 | 79-11378 | 79-11481 |
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| 79-11022 | 79-11100 | 79-11199 | 79-11284 | 79-11380 | 79-11483 |
| 79-11023 | 79-11101 | 79-11201 | 79-11285 | 79-11385 | 79-11485 |
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| 79-11025 | 79-11105 | 79-11203 | 79-11287 | 79-11387 | 79-11488 |
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| 79-11044 | 79-11135 | 79-11221 | 79-11316 | 79-11421 | 79-11503 |
| 79-11047 | 79-11138 | 79-11223 | 79-11317 | 79-11422 | 79-11504 |
| 79-11049 | 79-11139 | 79-11224 | 79-11318 | 79-11423 | 79-11506 |
| 79-11050 | 79-11140 | 79-11226 | 79-11319 | 79-11424 | 79-11507 |
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| 79-11052 | 79-11144 | 79-11239 | 79-11321 | 79-11427 | 79-11509 |
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| 79-11063 | 79-11153 | 79-11245 | 79-11327 | 79-11436 | 79-11518 |
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(Subcase list: 79ST/SEM )  
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Exhibit A

Subcase Nos:

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

CERTIFICATE OF MAILING

Water Right(s): 79-10985  
(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 March 10, 2004, with sufficient first-class postage prepaid to the following:

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

USDI BLM

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



DIANA R DELANEY  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
03/10/04

## EXHIBIT A MASTER REPORT

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| 79-10993 | 79-11073 | 79-11160 | 79-11256 | 79-11341 | 79-11447 |
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| 79-11592 |          |

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 79-11160

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

SOURCE: UNNAMED STREAM TRIBUTARY: JOHN DAY CREEK

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: T26N R02E S17 SENWSE (Instream Ending Point) Within Idaho County  
NEWSE (Instream Beginning Point)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Idaho County  
T26N R02E S17 NWSE

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.

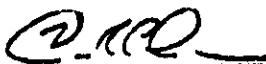
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

RECOMMENDATION

MAR 10 2004

  
SPECIAL MASTER

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