

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 |
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| 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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| 79-11043 | 79-11125 | 79-11217 | 79-11315 | 79-11420 | 79-11502 |
| 79-11044 | 79-11135 | 79-11221 | 79-11316 | 79-11421 | 79-11503 |
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| 79-11051 | 79-11143 | 79-11227 | 79-11320 | 79-11425 | 79-11508 |
| 79-11052 | 79-11144 | 79-11239 | 79-11321 | 79-11427 | 79-11509 |
| 79-11053 | 79-11148 | 79-11240 | 79-11322 | 79-11428 | 79-11510 |
| 79-11054 | 79-11150 | 79-11241 | 79-11323 | 79-11430 | 79-11511 |
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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

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| 79-11529 | 79-11737 |
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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 |
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| 79-11017 | 79-11092 | 79-11190 | 79-11276 | 79-11374 | 79-11476 |
| 79-11018 | 79-11093 | 79-11191 | 79-11278 | 79-11376 | 79-11477 |
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| 79-11023 | 79-11101 | 79-11201 | 79-11285 | 79-11385 | 79-11485 |
| 79-11024 | 79-11104 | 79-11202 | 79-11286 | 79-11386 | 79-11487 |
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| 79-11033 | 79-11108 | 79-11207 | 79-11304 | 79-11391 | 79-11491 |
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| 79-11037 | 79-11111 | 79-11209 | 79-11310 | 79-11409 | 79-11493 |
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| 79-11043 | 79-11125 | 79-11217 | 79-11315 | 79-11420 | 79-11502 |
| 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 |
| 79-11051 | 79-11143 | 79-11227 | 79-11320 | 79-11425 | 79-11508 |
| 79-11052 | 79-11144 | 79-11239 | 79-11321 | 79-11427 | 79-11509 |
| 79-11053 | 79-11148 | 79-11240 | 79-11322 | 79-11428 | 79-11510 |
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| 79-11062 | 79-11152 | 79-11244 | 79-11326 | 79-11434 | 79-11517 |
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(Subcase list: 79ST/SEM )  
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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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| 79-11591 |          |
| 79-11592 |          |

In Re SRBA )  
 )  
Case No. 39576 )  
 )

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

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/28/1934

## PURPOSE AND

|               |               |                     |
|---------------|---------------|---------------------|
| PLACE OF USE: | Stockwater    | Within Idaho County |
|               | T26N R02E S29 | SWSE                |
|               | NWSE          |                     |
|               | SESE          |                     |

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).

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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SPECIAL MASTER

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