

2004 MAR 4 PM 4 09

**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 ON FEDERAL**  
) **RESERVED WATER RIGHT**  
) **PURSUANT TO PWR 107**  
)  
) **FINDINGS OF FACT AND**  
) **CONCLUSIONS OF LAW**  
)  
) **For subcase: See Attached Exhibit A**  
)

**I. PROCEDURAL BACKGROUND**

The above-captioned water rights were claimed in the SRBA as federal reserved water rights pursuant to Public Water Reserve 107, by the United States Department of the Interior, Bureau of Land Management. Notice of the elements of each claim was reported by the Idaho Department of Water Resources. Objections were filed by the State of Idaho regarding whether the claimed rights met the criteria for a federal reserved right pursuant to PWR 107.

On December 11, 2003, a trial was held on these and other claims pursuant to Idaho Code 42-1411A(12), which requires the United States to demonstrate a *prima facie* showing of the existence of the claimed federal reserve water right. In conjunction with that trial, the United States filed affidavits, which were admitted into evidence, for each of the claimed rights to meet its burden.

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the file and record in these subcases, and the affidavits presented at the hearing on the matter, this Special Master makes the following findings of fact and conclusions of law:

1. Prior to April 17, 1926, the subject water source for each claim was located on unreserved federal public domain land.

2. Prior to April 17, 1926, no water rights had been established pursuant to state law for the use of the water from the subject water source for each claim.

3. On April 17, 1926, President Coolidge executed Public Water Reserve 107, which withdrew the 40 acre tract of land upon which the subject water source for each claim is located from the public domain. The tract of land withdrawn for each claim is described as the "place of use" element on each of the attached *Special Master's Recommendation*.

4. The subject water source for each claim consists of a spring or water hole of the type contemplated by Public Water Reserve 107.

5. Contemporaneously with the withdrawal of the land, President Coolidge impliedly reserved enough water to fulfill the primary purpose of the land reservation for each claim.

6. The minimum amount of water necessary to fulfill the primary purpose of the land reservation is the amount set forth in the "quantity" element on each of the attached *Special Master's Recommendation*.

7. The United States has satisfied its burden under Idaho Code section 42-1411A(12) as to the nature and existence of the claimed federal reserve water right for each claim.

8. The elements of the federal reserved water right for each claim are set forth on each of the attached *Special Master's Recommendation*.

### III. RECOMMENDATION

Therefore, based on the file and record herein, IT IS RECOMMENDED that the above-captioned water rights be decreed as a federal reserved water right with the elements as set forth in each of the attached *Special Master's Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. It is further recommended that to the extent any concomitant state-law water right was claimed in the alternative for the above-captioned rights, that said right not be confirmed in any partial or final decree.

Dated March 4, 2004.

  
THOMAS CUSHMAN  
Special Master  
Snake River Basin Adjudication

# EXHIBIT A

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-11769 | 72-12007 | 72-12265 | 72-12599 | 72-12895 | 72-13119 |
| 72-11779 | 72-12009 | 72-12277 | 72-12615 | 72-12897 | 72-13121 |
| 72-11787 | 72-12015 | 72-12283 | 72-12619 | 72-12899 | 72-13123 |
| 72-11789 | 72-12019 | 72-12285 | 72-12621 | 72-12901 | 72-13125 |
| 72-11791 | 72-12023 | 72-12295 | 72-12627 | 72-12903 | 72-13131 |
| 72-11799 | 72-12027 | 72-12297 | 72-12629 | 72-12909 | 72-13133 |
| 72-11803 | 72-12029 | 72-12305 | 72-12631 | 72-12911 | 72-13135 |
| 72-11805 | 72-12033 | 72-12307 | 72-12633 | 72-12913 | 72-13137 |
| 72-11813 | 72-12035 | 72-12309 | 72-12641 | 72-12915 | 72-13141 |
| 72-11817 | 72-12043 | 72-12323 | 72-12643 | 72-12917 | 72-13143 |
| 72-11819 | 72-12047 | 72-12329 | 72-12645 | 72-12919 | 72-13145 |
| 72-11825 | 72-12053 | 72-12331 | 72-12647 | 72-12921 | 72-13147 |
| 72-11833 | 72-12057 | 72-12337 | 72-12649 | 72-12923 | 72-13151 |
| 72-11835 | 72-12059 | 72-12341 | 72-12675 | 72-12925 | 72-13155 |
| 72-11837 | 72-12061 | 72-12343 | 72-12687 | 72-12927 | 72-13159 |
| 72-11839 | 72-12067 | 72-12345 | 72-12695 | 72-12929 | 72-13161 |
| 72-11841 | 72-12075 | 72-12365 | 72-12697 | 72-12933 | 72-13163 |
| 72-11843 | 72-12077 | 72-12371 | 72-12699 | 72-12935 | 72-13165 |
| 72-11847 | 72-12079 | 72-12373 | 72-12701 | 72-12937 | 72-13167 |
| 72-11849 | 72-12081 | 72-12375 | 72-12703 | 72-12953 | 72-13169 |
| 72-11855 | 72-12085 | 72-12381 | 72-12705 | 72-12955 | 72-13171 |
| 72-11857 | 72-12091 | 72-12399 | 72-12707 | 72-12961 | 72-13173 |
| 72-11859 | 72-12093 | 72-12429 | 72-12715 | 72-12983 | 72-13175 |
| 72-11861 | 72-12095 | 72-12443 | 72-12725 | 72-12989 | 72-13177 |
| 72-11863 | 72-12101 | 72-12453 | 72-12737 | 72-12991 | 72-13179 |
| 72-11865 | 72-12105 | 72-12465 | 72-12751 | 72-12995 | 72-13181 |
| 72-11867 | 72-12111 | 72-12467 | 72-12753 | 72-13005 | 72-13187 |
| 72-11877 | 72-12113 | 72-12473 | 72-12755 | 72-13007 | 72-13189 |
| 72-11881 | 72-12123 | 72-12479 | 72-12765 | 72-13009 | 72-13193 |
| 72-11883 | 72-12125 | 72-12481 | 72-12769 | 72-13011 | 72-13195 |
| 72-11897 | 72-12131 | 72-12485 | 72-12771 | 72-13013 | 72-13197 |
| 72-11911 | 72-12137 | 72-12519 | 72-12785 | 72-13029 | 72-13201 |
| 72-11917 | 72-12139 | 72-12523 | 72-12787 | 72-13033 | 72-13205 |
| 72-11919 | 72-12147 | 72-12533 | 72-12791 | 72-13037 | 72-13207 |
| 72-11927 | 72-12151 | 72-12535 | 72-12817 | 72-13039 | 72-13211 |
| 72-11937 | 72-12165 | 72-12539 | 72-12819 | 72-13043 | 72-13213 |
| 72-11941 | 72-12171 | 72-12545 | 72-12823 | 72-13069 | 72-13227 |
| 72-11943 | 72-12173 | 72-12555 | 72-12831 | 72-13071 | 72-13229 |
| 72-11955 | 72-12191 | 72-12557 | 72-12837 | 72-13073 | 72-13231 |
| 72-11957 | 72-12211 | 72-12559 | 72-12841 | 72-13085 | 72-13233 |
| 72-11961 | 72-12217 | 72-12561 | 72-12843 | 72-13087 | 72-13235 |
| 72-11969 | 72-12221 | 72-12563 | 72-12845 | 72-13091 | 72-13237 |
| 72-11971 | 72-12225 | 72-12565 | 72-12849 | 72-13095 | 72-13239 |
| 72-11973 | 72-12227 | 72-12573 | 72-12851 | 72-13097 | 72-13241 |
| 72-11975 | 72-12233 | 72-12575 | 72-12865 | 72-13107 | 72-13243 |
| 72-11979 | 72-12239 | 72-12579 | 72-12867 | 72-13109 | 72-13245 |
| 72-11981 | 72-12243 | 72-12581 | 72-12873 | 72-13111 | 72-13247 |
| 72-11983 | 72-12245 | 72-12587 | 72-12877 | 72-13113 | 72-13251 |
| 72-12001 | 72-12247 | 72-12589 | 72-12881 | 72-13115 | 72-13253 |
| 72-12005 | 72-12249 | 72-12591 | 72-12891 | 72-13117 | 72-13257 |

(Subcase list: PWR/72 MRR)

3/04/04

# EXHIBIT A

Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-13259 | 72-13395 | 72-13829 | 72-14183 | 72-14459 | 72-14839 |
| 72-13263 | 72-13415 | 72-13859 | 72-14197 | 72-14467 | 72-14855 |
| 72-13265 | 72-13417 | 72-13863 | 72-14199 | 72-14469 | 72-14857 |
| 72-13267 | 72-13421 | 72-13885 | 72-14203 | 72-14473 | 72-14859 |
| 72-13271 | 72-13423 | 72-13887 | 72-14205 | 72-14475 | 72-14861 |
| 72-13275 | 72-13425 | 72-13893 | 72-14217 | 72-14485 | 72-14863 |
| 72-13277 | 72-13427 | 72-13897 | 72-14229 | 72-14489 | 72-14865 |
| 72-13279 | 72-13433 | 72-13899 | 72-14231 | 72-14495 | 72-14875 |
| 72-13281 | 72-13451 | 72-13903 | 72-14233 | 72-14497 | 72-14877 |
| 72-13283 | 72-13457 | 72-13905 | 72-14235 | 72-14499 | 72-14889 |
| 72-13285 | 72-13459 | 72-13907 | 72-14239 | 72-14503 | 72-14899 |
| 72-13287 | 72-13461 | 72-13911 | 72-14241 | 72-14507 | 72-14901 |
| 72-13289 | 72-13463 | 72-13929 | 72-14243 | 72-14513 | 72-14903 |
| 72-13291 | 72-13471 | 72-13931 | 72-14245 | 72-14515 | 72-14911 |
| 72-13299 | 72-13475 | 72-13933 | 72-14247 | 72-14519 | 72-14923 |
| 72-13301 | 72-13501 | 72-13945 | 72-14257 | 72-14527 | 72-14925 |
| 72-13303 | 72-13503 | 72-13947 | 72-14265 | 72-14555 | 72-14927 |
| 72-13305 | 72-13509 | 72-13981 | 72-14267 | 72-14571 | 72-14937 |
| 72-13307 | 72-13513 | 72-13997 | 72-14273 | 72-14613 | 72-14957 |
| 72-13311 | 72-13557 | 72-14013 | 72-14279 | 72-14623 | 72-14961 |
| 72-13313 | 72-13559 | 72-14015 | 72-14281 | 72-14637 | 72-14965 |
| 72-13315 | 72-13569 | 72-14019 | 72-14293 | 72-14643 | 72-14967 |
| 72-13317 | 72-13597 | 72-14021 | 72-14295 | 72-14659 | 72-14969 |
| 72-13319 | 72-13599 | 72-14027 | 72-14299 | 72-14663 | 72-14971 |
| 72-13321 | 72-13603 | 72-14033 | 72-14301 | 72-14665 | 72-14975 |
| 72-13323 | 72-13607 | 72-14037 | 72-14307 | 72-14669 | 72-14979 |
| 72-13327 | 72-13611 | 72-14039 | 72-14309 | 72-14671 | 72-14987 |
| 72-13329 | 72-13653 | 72-14041 | 72-14311 | 72-14673 | 72-15003 |
| 72-13331 | 72-13655 | 72-14047 | 72-14315 | 72-14675 | 72-15007 |
| 72-13333 | 72-13667 | 72-14059 | 72-14319 | 72-14681 | 72-15011 |
| 72-13335 | 72-13683 | 72-14061 | 72-14323 | 72-14713 | 72-15015 |
| 72-13337 | 72-13687 | 72-14067 | 72-14329 | 72-14755 | 72-15017 |
| 72-13339 | 72-13721 | 72-14069 | 72-14337 | 72-14767 | 72-15025 |
| 72-13343 | 72-13755 | 72-14071 | 72-14341 | 72-14771 | 72-15029 |
| 72-13345 | 72-13767 | 72-14073 | 72-14345 | 72-14773 | 72-15031 |
| 72-13347 | 72-13769 | 72-14075 | 72-14349 | 72-14775 | 72-15037 |
| 72-13349 | 72-13773 | 72-14079 | 72-14363 | 72-14777 | 72-15039 |
| 72-13351 | 72-13777 | 72-14081 | 72-14367 | 72-14779 | 72-15041 |
| 72-13357 | 72-13783 | 72-14095 | 72-14379 | 72-14785 | 72-15043 |
| 72-13359 | 72-13785 | 72-14097 | 72-14397 | 72-14789 | 72-15063 |
| 72-13361 | 72-13787 | 72-14101 | 72-14399 | 72-14803 | 72-15065 |
| 72-13363 | 72-13789 | 72-14103 | 72-14401 | 72-14807 | 72-15067 |
| 72-13365 | 72-13793 | 72-14107 | 72-14413 | 72-14811 | 72-15069 |
| 72-13367 | 72-13795 | 72-14109 | 72-14423 | 72-14817 | 72-15073 |
| 72-13381 | 72-13803 | 72-14115 | 72-14431 | 72-14823 | 72-15075 |
| 72-13383 | 72-13807 | 72-14119 | 72-14437 | 72-14825 | 72-15077 |
| 72-13385 | 72-13813 | 72-14145 | 72-14439 | 72-14827 | 72-15085 |
| 72-13387 | 72-13815 | 72-14147 | 72-14449 | 72-14829 | 72-15103 |
| 72-13391 | 72-13821 | 72-14175 | 72-14455 | 72-14831 | 72-15109 |
| 72-13393 | 72-13825 | 72-14181 | 72-14457 | 72-14837 | 72-15113 |

(Subcase list: PWR/72 MRR)  
3/04/04

EXHIBIT A

Subcase Nos:

|          |          |
|----------|----------|
| 72-15117 | 72-15485 |
| 72-15119 | 72-15503 |
| 72-15123 | 72-15535 |
| 72-15125 | 72-15561 |
| 72-15127 | 72-15563 |
| 72-15133 | 72-15569 |
| 72-15135 | 72-15573 |
| 72-15137 | 72-15575 |
| 72-15139 | 72-15597 |
| 72-15153 | 72-15599 |
| 72-15161 | 72-15601 |
| 72-15165 | 72-15603 |
| 72-15183 | 72-15605 |
| 72-15187 | 72-15617 |
| 72-15195 | 72-15633 |
| 72-15201 | 72-15655 |
| 72-15203 | 72-15665 |
| 72-15209 | 72-15667 |
| 72-15217 | 72-15671 |
| 72-15223 | 72-15675 |
| 72-15225 | 72-15679 |
| 72-15227 | 72-15687 |
| 72-15229 | 72-15689 |
| 72-15243 | 72-15691 |
| 72-15261 | 72-15709 |
| 72-15279 | 72-15711 |
| 72-15289 | 72-15713 |
| 72-15297 | 72-15717 |
| 72-15301 | 72-15731 |
| 72-15309 | 72-15735 |
| 72-15311 | 72-15741 |
| 72-15319 | 72-15747 |
| 72-15345 | 72-15751 |
| 72-15355 |          |
| 72-15357 |          |
| 72-15363 |          |
| 72-15381 |          |
| 72-15421 |          |
| 72-15429 |          |
| 72-15431 |          |
| 72-15433 |          |
| 72-15435 |          |
| 72-15437 |          |
| 72-15441 |          |
| 72-15447 |          |
| 72-15449 |          |
| 72-15465 |          |
| 72-15471 |          |
| 72-15473 |          |
| 72-15483 |          |

(Subcase list: PWR/72 MRR)  
3/04/04

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

2004 MAR 4 PM 4 23

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): 72-11769  
(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 04, 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



DIANA R DELANEY  
Deputy Clerk

PAGE 1  
03/04/04

## EXHIBIT A

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-11769 | 72-12007 | 72-12265 | 72-12599 | 72-12895 | 72-13119 |
| 72-11779 | 72-12009 | 72-12277 | 72-12615 | 72-12897 | 72-13121 |
| 72-11787 | 72-12015 | 72-12283 | 72-12619 | 72-12899 | 72-13123 |
| 72-11789 | 72-12019 | 72-12285 | 72-12621 | 72-12901 | 72-13125 |
| 72-11791 | 72-12023 | 72-12295 | 72-12627 | 72-12903 | 72-13131 |
| 72-11799 | 72-12027 | 72-12297 | 72-12629 | 72-12909 | 72-13133 |
| 72-11803 | 72-12029 | 72-12305 | 72-12631 | 72-12911 | 72-13135 |
| 72-11805 | 72-12033 | 72-12307 | 72-12633 | 72-12913 | 72-13137 |
| 72-11813 | 72-12035 | 72-12309 | 72-12641 | 72-12915 | 72-13141 |
| 72-11817 | 72-12043 | 72-12323 | 72-12643 | 72-12917 | 72-13143 |
| 72-11819 | 72-12047 | 72-12329 | 72-12645 | 72-12919 | 72-13145 |
| 72-11825 | 72-12053 | 72-12331 | 72-12647 | 72-12921 | 72-13147 |
| 72-11833 | 72-12057 | 72-12337 | 72-12649 | 72-12923 | 72-13151 |
| 72-11835 | 72-12059 | 72-12341 | 72-12675 | 72-12925 | 72-13155 |
| 72-11837 | 72-12061 | 72-12343 | 72-12687 | 72-12927 | 72-13159 |
| 72-11839 | 72-12067 | 72-12345 | 72-12695 | 72-12929 | 72-13161 |
| 72-11841 | 72-12075 | 72-12365 | 72-12697 | 72-12933 | 72-13163 |
| 72-11843 | 72-12077 | 72-12371 | 72-12699 | 72-12935 | 72-13165 |
| 72-11847 | 72-12079 | 72-12373 | 72-12701 | 72-12937 | 72-13167 |
| 72-11849 | 72-12081 | 72-12375 | 72-12703 | 72-12953 | 72-13169 |
| 72-11855 | 72-12085 | 72-12381 | 72-12705 | 72-12955 | 72-13171 |
| 72-11857 | 72-12091 | 72-12399 | 72-12707 | 72-12961 | 72-13173 |
| 72-11859 | 72-12093 | 72-12429 | 72-12715 | 72-12983 | 72-13175 |
| 72-11861 | 72-12095 | 72-12443 | 72-12725 | 72-12989 | 72-13177 |
| 72-11863 | 72-12101 | 72-12453 | 72-12737 | 72-12991 | 72-13179 |
| 72-11865 | 72-12105 | 72-12465 | 72-12751 | 72-12995 | 72-13181 |
| 72-11867 | 72-12111 | 72-12467 | 72-12753 | 72-13005 | 72-13187 |
| 72-11877 | 72-12113 | 72-12473 | 72-12755 | 72-13007 | 72-13189 |
| 72-11881 | 72-12123 | 72-12479 | 72-12765 | 72-13009 | 72-13193 |
| 72-11883 | 72-12125 | 72-12481 | 72-12769 | 72-13011 | 72-13195 |
| 72-11897 | 72-12131 | 72-12485 | 72-12771 | 72-13013 | 72-13197 |
| 72-11911 | 72-12137 | 72-12519 | 72-12785 | 72-13029 | 72-13201 |
| 72-11917 | 72-12139 | 72-12523 | 72-12787 | 72-13033 | 72-13205 |
| 72-11919 | 72-12147 | 72-12533 | 72-12791 | 72-13037 | 72-13207 |
| 72-11927 | 72-12151 | 72-12535 | 72-12817 | 72-13039 | 72-13211 |
| 72-11937 | 72-12165 | 72-12539 | 72-12819 | 72-13043 | 72-13213 |
| 72-11941 | 72-12171 | 72-12545 | 72-12823 | 72-13069 | 72-13227 |
| 72-11943 | 72-12173 | 72-12555 | 72-12831 | 72-13071 | 72-13229 |
| 72-11955 | 72-12191 | 72-12557 | 72-12837 | 72-13073 | 72-13231 |
| 72-11957 | 72-12211 | 72-12559 | 72-12841 | 72-13085 | 72-13233 |
| 72-11961 | 72-12217 | 72-12561 | 72-12843 | 72-13087 | 72-13235 |
| 72-11969 | 72-12221 | 72-12563 | 72-12845 | 72-13091 | 72-13237 |
| 72-11971 | 72-12225 | 72-12565 | 72-12849 | 72-13095 | 72-13239 |
| 72-11973 | 72-12227 | 72-12573 | 72-12851 | 72-13097 | 72-13241 |
| 72-11975 | 72-12233 | 72-12575 | 72-12865 | 72-13107 | 72-13243 |
| 72-11979 | 72-12239 | 72-12579 | 72-12867 | 72-13109 | 72-13245 |
| 72-11981 | 72-12243 | 72-12581 | 72-12873 | 72-13111 | 72-13247 |
| 72-11983 | 72-12245 | 72-12587 | 72-12877 | 72-13113 | 72-13251 |
| 72-12001 | 72-12247 | 72-12589 | 72-12881 | 72-13115 | 72-13253 |
| 72-12005 | 72-12249 | 72-12591 | 72-12891 | 72-13117 | 72-13257 |

(Subcase list: PWR/72 MRR)

3/04/04

## EXHIBIT A

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-13259 | 72-13395 | 72-13829 | 72-14183 | 72-14459 | 72-14839 |
| 72-13263 | 72-13415 | 72-13859 | 72-14197 | 72-14467 | 72-14855 |
| 72-13265 | 72-13417 | 72-13863 | 72-14199 | 72-14469 | 72-14857 |
| 72-13267 | 72-13421 | 72-13885 | 72-14203 | 72-14473 | 72-14859 |
| 72-13271 | 72-13423 | 72-13887 | 72-14205 | 72-14475 | 72-14861 |
| 72-13275 | 72-13425 | 72-13893 | 72-14217 | 72-14485 | 72-14863 |
| 72-13277 | 72-13427 | 72-13897 | 72-14229 | 72-14489 | 72-14865 |
| 72-13279 | 72-13433 | 72-13899 | 72-14231 | 72-14495 | 72-14875 |
| 72-13281 | 72-13451 | 72-13903 | 72-14233 | 72-14497 | 72-14877 |
| 72-13283 | 72-13457 | 72-13905 | 72-14235 | 72-14499 | 72-14889 |
| 72-13285 | 72-13459 | 72-13907 | 72-14239 | 72-14503 | 72-14899 |
| 72-13287 | 72-13461 | 72-13911 | 72-14241 | 72-14507 | 72-14901 |
| 72-13289 | 72-13463 | 72-13929 | 72-14243 | 72-14513 | 72-14903 |
| 72-13291 | 72-13471 | 72-13931 | 72-14245 | 72-14515 | 72-14911 |
| 72-13299 | 72-13475 | 72-13933 | 72-14247 | 72-14519 | 72-14923 |
| 72-13301 | 72-13501 | 72-13945 | 72-14257 | 72-14527 | 72-14925 |
| 72-13303 | 72-13503 | 72-13947 | 72-14265 | 72-14555 | 72-14927 |
| 72-13305 | 72-13509 | 72-13981 | 72-14267 | 72-14571 | 72-14937 |
| 72-13307 | 72-13513 | 72-13997 | 72-14273 | 72-14613 | 72-14957 |
| 72-13311 | 72-13557 | 72-14013 | 72-14279 | 72-14623 | 72-14961 |
| 72-13313 | 72-13559 | 72-14015 | 72-14281 | 72-14637 | 72-14965 |
| 72-13315 | 72-13569 | 72-14019 | 72-14293 | 72-14643 | 72-14967 |
| 72-13317 | 72-13597 | 72-14021 | 72-14295 | 72-14659 | 72-14969 |
| 72-13319 | 72-13599 | 72-14027 | 72-14299 | 72-14663 | 72-14971 |
| 72-13321 | 72-13603 | 72-14033 | 72-14301 | 72-14665 | 72-14975 |
| 72-13323 | 72-13607 | 72-14037 | 72-14307 | 72-14669 | 72-14979 |
| 72-13327 | 72-13611 | 72-14039 | 72-14309 | 72-14671 | 72-14987 |
| 72-13329 | 72-13653 | 72-14041 | 72-14311 | 72-14673 | 72-15003 |
| 72-13331 | 72-13655 | 72-14047 | 72-14315 | 72-14675 | 72-15007 |
| 72-13333 | 72-13667 | 72-14059 | 72-14319 | 72-14681 | 72-15011 |
| 72-13335 | 72-13683 | 72-14061 | 72-14323 | 72-14713 | 72-15015 |
| 72-13337 | 72-13687 | 72-14067 | 72-14329 | 72-14755 | 72-15017 |
| 72-13339 | 72-13721 | 72-14069 | 72-14337 | 72-14767 | 72-15025 |
| 72-13343 | 72-13755 | 72-14071 | 72-14341 | 72-14771 | 72-15029 |
| 72-13345 | 72-13767 | 72-14073 | 72-14345 | 72-14773 | 72-15031 |
| 72-13347 | 72-13769 | 72-14075 | 72-14349 | 72-14775 | 72-15037 |
| 72-13349 | 72-13773 | 72-14079 | 72-14363 | 72-14777 | 72-15039 |
| 72-13351 | 72-13777 | 72-14081 | 72-14367 | 72-14779 | 72-15041 |
| 72-13357 | 72-13783 | 72-14095 | 72-14379 | 72-14785 | 72-15043 |
| 72-13359 | 72-13785 | 72-14097 | 72-14397 | 72-14789 | 72-15063 |
| 72-13361 | 72-13787 | 72-14101 | 72-14399 | 72-14803 | 72-15065 |
| 72-13363 | 72-13789 | 72-14103 | 72-14401 | 72-14807 | 72-15067 |
| 72-13365 | 72-13793 | 72-14107 | 72-14413 | 72-14811 | 72-15069 |
| 72-13367 | 72-13795 | 72-14109 | 72-14423 | 72-14817 | 72-15073 |
| 72-13381 | 72-13803 | 72-14115 | 72-14431 | 72-14823 | 72-15075 |
| 72-13383 | 72-13807 | 72-14119 | 72-14437 | 72-14825 | 72-15077 |
| 72-13385 | 72-13813 | 72-14145 | 72-14439 | 72-14827 | 72-15085 |
| 72-13387 | 72-13815 | 72-14147 | 72-14449 | 72-14829 | 72-15103 |
| 72-13391 | 72-13821 | 72-14175 | 72-14455 | 72-14831 | 72-15109 |
| 72-13393 | 72-13825 | 72-14181 | 72-14457 | 72-14837 | 72-15113 |

(Subcase list: PWR/72 MRR)  
3/04/04

EXHIBIT A

Subcase Nos:

|          |          |
|----------|----------|
| 72-15117 | 72-15485 |
| 72-15119 | 72-15503 |
| 72-15123 | 72-15535 |
| 72-15125 | 72-15561 |
| 72-15127 | 72-15563 |
| 72-15133 | 72-15569 |
| 72-15135 | 72-15573 |
| 72-15137 | 72-15575 |
| 72-15139 | 72-15597 |
| 72-15153 | 72-15599 |
| 72-15161 | 72-15601 |
| 72-15165 | 72-15603 |
| 72-15183 | 72-15605 |
| 72-15187 | 72-15617 |
| 72-15195 | 72-15633 |
| 72-15201 | 72-15655 |
| 72-15203 | 72-15665 |
| 72-15209 | 72-15667 |
| 72-15217 | 72-15671 |
| 72-15223 | 72-15675 |
| 72-15225 | 72-15679 |
| 72-15227 | 72-15687 |
| 72-15229 | 72-15689 |
| 72-15243 | 72-15691 |
| 72-15261 | 72-15709 |
| 72-15279 | 72-15711 |
| 72-15289 | 72-15713 |
| 72-15297 | 72-15717 |
| 72-15301 | 72-15731 |
| 72-15309 | 72-15735 |
| 72-15311 | 72-15741 |
| 72-15319 | 72-15747 |
| 72-15345 | 72-15751 |
| 72-15355 |          |
| 72-15357 |          |
| 72-15363 |          |
| 72-15381 |          |
| 72-15421 |          |
| 72-15429 |          |
| 72-15431 |          |
| 72-15433 |          |
| 72-15435 |          |
| 72-15437 |          |
| 72-15441 |          |
| 72-15447 |          |
| 72-15449 |          |
| 72-15465 |          |
| 72-15471 |          |
| 72-15473 |          |
| 72-15483 |          |

(Subcase list: PWR/72 MRR)  
3/04/04

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 4 PM 4 23

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): 72-11769  
(SEE ATTACHED EXHIBIT A)

On March 04, 2004, Special Master THOMAS R CUSHMAN  
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)  
pursuant to SRBA Administrative Order 1 (A01), 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 04, 2004.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

## EXHIBIT A

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-11769 | 72-12007 | 72-12265 | 72-12599 | 72-12895 | 72-13119 |
| 72-11779 | 72-12009 | 72-12277 | 72-12615 | 72-12897 | 72-13121 |
| 72-11787 | 72-12015 | 72-12283 | 72-12619 | 72-12899 | 72-13123 |
| 72-11789 | 72-12019 | 72-12285 | 72-12621 | 72-12901 | 72-13125 |
| 72-11791 | 72-12023 | 72-12295 | 72-12627 | 72-12903 | 72-13131 |
| 72-11799 | 72-12027 | 72-12297 | 72-12629 | 72-12909 | 72-13133 |
| 72-11803 | 72-12029 | 72-12305 | 72-12631 | 72-12911 | 72-13135 |
| 72-11805 | 72-12033 | 72-12307 | 72-12633 | 72-12913 | 72-13137 |
| 72-11813 | 72-12035 | 72-12309 | 72-12641 | 72-12915 | 72-13141 |
| 72-11817 | 72-12043 | 72-12323 | 72-12643 | 72-12917 | 72-13143 |
| 72-11819 | 72-12047 | 72-12329 | 72-12645 | 72-12919 | 72-13145 |
| 72-11825 | 72-12053 | 72-12331 | 72-12647 | 72-12921 | 72-13147 |
| 72-11833 | 72-12057 | 72-12337 | 72-12649 | 72-12923 | 72-13151 |
| 72-11835 | 72-12059 | 72-12341 | 72-12675 | 72-12925 | 72-13155 |
| 72-11837 | 72-12061 | 72-12343 | 72-12687 | 72-12927 | 72-13159 |
| 72-11839 | 72-12067 | 72-12345 | 72-12695 | 72-12929 | 72-13161 |
| 72-11841 | 72-12075 | 72-12365 | 72-12697 | 72-12933 | 72-13163 |
| 72-11843 | 72-12077 | 72-12371 | 72-12699 | 72-12935 | 72-13165 |
| 72-11847 | 72-12079 | 72-12373 | 72-12701 | 72-12937 | 72-13167 |
| 72-11849 | 72-12081 | 72-12375 | 72-12703 | 72-12953 | 72-13169 |
| 72-11855 | 72-12085 | 72-12381 | 72-12705 | 72-12955 | 72-13171 |
| 72-11857 | 72-12091 | 72-12399 | 72-12707 | 72-12961 | 72-13173 |
| 72-11859 | 72-12093 | 72-12429 | 72-12715 | 72-12983 | 72-13175 |
| 72-11861 | 72-12095 | 72-12443 | 72-12725 | 72-12989 | 72-13177 |
| 72-11863 | 72-12101 | 72-12453 | 72-12737 | 72-12991 | 72-13179 |
| 72-11865 | 72-12105 | 72-12465 | 72-12751 | 72-12995 | 72-13181 |
| 72-11867 | 72-12111 | 72-12467 | 72-12753 | 72-13005 | 72-13187 |
| 72-11877 | 72-12113 | 72-12473 | 72-12755 | 72-13007 | 72-13189 |
| 72-11881 | 72-12123 | 72-12479 | 72-12765 | 72-13009 | 72-13193 |
| 72-11883 | 72-12125 | 72-12481 | 72-12769 | 72-13011 | 72-13195 |
| 72-11897 | 72-12131 | 72-12485 | 72-12771 | 72-13013 | 72-13197 |
| 72-11911 | 72-12137 | 72-12519 | 72-12785 | 72-13029 | 72-13201 |
| 72-11917 | 72-12139 | 72-12523 | 72-12787 | 72-13033 | 72-13205 |
| 72-11919 | 72-12147 | 72-12533 | 72-12791 | 72-13037 | 72-13207 |
| 72-11927 | 72-12151 | 72-12535 | 72-12817 | 72-13039 | 72-13211 |
| 72-11937 | 72-12165 | 72-12539 | 72-12819 | 72-13043 | 72-13213 |
| 72-11941 | 72-12171 | 72-12545 | 72-12823 | 72-13069 | 72-13227 |
| 72-11943 | 72-12173 | 72-12555 | 72-12831 | 72-13071 | 72-13229 |
| 72-11955 | 72-12191 | 72-12557 | 72-12837 | 72-13073 | 72-13231 |
| 72-11957 | 72-12211 | 72-12559 | 72-12841 | 72-13085 | 72-13233 |
| 72-11961 | 72-12217 | 72-12561 | 72-12843 | 72-13087 | 72-13235 |
| 72-11969 | 72-12221 | 72-12563 | 72-12845 | 72-13091 | 72-13237 |
| 72-11971 | 72-12225 | 72-12565 | 72-12849 | 72-13095 | 72-13239 |
| 72-11973 | 72-12227 | 72-12573 | 72-12851 | 72-13097 | 72-13241 |
| 72-11975 | 72-12233 | 72-12575 | 72-12865 | 72-13107 | 72-13243 |
| 72-11979 | 72-12239 | 72-12579 | 72-12867 | 72-13109 | 72-13245 |
| 72-11981 | 72-12243 | 72-12581 | 72-12873 | 72-13111 | 72-13247 |
| 72-11983 | 72-12245 | 72-12587 | 72-12877 | 72-13113 | 72-13251 |
| 72-12001 | 72-12247 | 72-12589 | 72-12881 | 72-13115 | 72-13253 |
| 72-12005 | 72-12249 | 72-12591 | 72-12891 | 72-13117 | 72-13257 |

(Subcase list: PWR/72 MRR)

3/04/04

## EXHIBIT A

## Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 72-13259 | 72-13395 | 72-13829 | 72-14183 | 72-14459 | 72-14839 |
| 72-13263 | 72-13415 | 72-13859 | 72-14197 | 72-14467 | 72-14855 |
| 72-13265 | 72-13417 | 72-13863 | 72-14199 | 72-14469 | 72-14857 |
| 72-13267 | 72-13421 | 72-13885 | 72-14203 | 72-14473 | 72-14859 |
| 72-13271 | 72-13423 | 72-13887 | 72-14205 | 72-14475 | 72-14861 |
| 72-13275 | 72-13425 | 72-13893 | 72-14217 | 72-14485 | 72-14863 |
| 72-13277 | 72-13427 | 72-13897 | 72-14229 | 72-14489 | 72-14865 |
| 72-13279 | 72-13433 | 72-13899 | 72-14231 | 72-14495 | 72-14875 |
| 72-13281 | 72-13451 | 72-13903 | 72-14233 | 72-14497 | 72-14877 |
| 72-13283 | 72-13457 | 72-13905 | 72-14235 | 72-14499 | 72-14889 |
| 72-13285 | 72-13459 | 72-13907 | 72-14239 | 72-14503 | 72-14899 |
| 72-13287 | 72-13461 | 72-13911 | 72-14241 | 72-14507 | 72-14901 |
| 72-13289 | 72-13463 | 72-13929 | 72-14243 | 72-14513 | 72-14903 |
| 72-13291 | 72-13471 | 72-13931 | 72-14245 | 72-14515 | 72-14911 |
| 72-13299 | 72-13475 | 72-13933 | 72-14247 | 72-14519 | 72-14923 |
| 72-13301 | 72-13501 | 72-13945 | 72-14257 | 72-14527 | 72-14925 |
| 72-13303 | 72-13503 | 72-13947 | 72-14265 | 72-14555 | 72-14927 |
| 72-13305 | 72-13509 | 72-13981 | 72-14267 | 72-14571 | 72-14937 |
| 72-13307 | 72-13513 | 72-13997 | 72-14273 | 72-14613 | 72-14957 |
| 72-13311 | 72-13557 | 72-14013 | 72-14279 | 72-14623 | 72-14961 |
| 72-13313 | 72-13559 | 72-14015 | 72-14281 | 72-14637 | 72-14965 |
| 72-13315 | 72-13569 | 72-14019 | 72-14293 | 72-14643 | 72-14967 |
| 72-13317 | 72-13597 | 72-14021 | 72-14295 | 72-14659 | 72-14969 |
| 72-13319 | 72-13599 | 72-14027 | 72-14299 | 72-14663 | 72-14971 |
| 72-13321 | 72-13603 | 72-14033 | 72-14301 | 72-14665 | 72-14975 |
| 72-13323 | 72-13607 | 72-14037 | 72-14307 | 72-14669 | 72-14979 |
| 72-13327 | 72-13611 | 72-14039 | 72-14309 | 72-14671 | 72-14987 |
| 72-13329 | 72-13653 | 72-14041 | 72-14311 | 72-14673 | 72-15003 |
| 72-13331 | 72-13655 | 72-14047 | 72-14315 | 72-14675 | 72-15007 |
| 72-13333 | 72-13667 | 72-14059 | 72-14319 | 72-14681 | 72-15011 |
| 72-13335 | 72-13683 | 72-14061 | 72-14323 | 72-14713 | 72-15015 |
| 72-13337 | 72-13687 | 72-14067 | 72-14329 | 72-14755 | 72-15017 |
| 72-13339 | 72-13721 | 72-14069 | 72-14337 | 72-14767 | 72-15025 |
| 72-13343 | 72-13755 | 72-14071 | 72-14341 | 72-14771 | 72-15029 |
| 72-13345 | 72-13767 | 72-14073 | 72-14345 | 72-14773 | 72-15031 |
| 72-13347 | 72-13769 | 72-14075 | 72-14349 | 72-14775 | 72-15037 |
| 72-13349 | 72-13773 | 72-14079 | 72-14363 | 72-14777 | 72-15039 |
| 72-13351 | 72-13777 | 72-14081 | 72-14367 | 72-14779 | 72-15041 |
| 72-13357 | 72-13783 | 72-14095 | 72-14379 | 72-14785 | 72-15043 |
| 72-13359 | 72-13785 | 72-14097 | 72-14397 | 72-14789 | 72-15063 |
| 72-13361 | 72-13787 | 72-14101 | 72-14399 | 72-14803 | 72-15065 |
| 72-13363 | 72-13789 | 72-14103 | 72-14401 | 72-14807 | 72-15067 |
| 72-13365 | 72-13793 | 72-14107 | 72-14413 | 72-14811 | 72-15069 |
| 72-13367 | 72-13795 | 72-14109 | 72-14423 | 72-14817 | 72-15073 |
| 72-13381 | 72-13803 | 72-14115 | 72-14431 | 72-14823 | 72-15075 |
| 72-13383 | 72-13807 | 72-14119 | 72-14437 | 72-14825 | 72-15077 |
| 72-13385 | 72-13813 | 72-14145 | 72-14439 | 72-14827 | 72-15085 |
| 72-13387 | 72-13815 | 72-14147 | 72-14449 | 72-14829 | 72-15103 |
| 72-13391 | 72-13821 | 72-14175 | 72-14455 | 72-14831 | 72-15109 |
| 72-13393 | 72-13825 | 72-14181 | 72-14457 | 72-14837 | 72-15113 |

(Subcase list: PWR/72 MRR)  
3/04/04

# EXHIBIT A

## Subcase Nos:

|          |          |
|----------|----------|
| 72-15117 | 72-15485 |
| 72-15119 | 72-15503 |
| 72-15123 | 72-15535 |
| 72-15125 | 72-15561 |
| 72-15127 | 72-15563 |
| 72-15133 | 72-15569 |
| 72-15135 | 72-15573 |
| 72-15137 | 72-15575 |
| 72-15139 | 72-15597 |
| 72-15153 | 72-15599 |
| 72-15161 | 72-15601 |
| 72-15165 | 72-15603 |
| 72-15183 | 72-15605 |
| 72-15187 | 72-15617 |
| 72-15195 | 72-15633 |
| 72-15201 | 72-15655 |
| 72-15203 | 72-15665 |
| 72-15209 | 72-15667 |
| 72-15217 | 72-15671 |
| 72-15223 | 72-15675 |
| 72-15225 | 72-15679 |
| 72-15227 | 72-15687 |
| 72-15229 | 72-15689 |
| 72-15243 | 72-15691 |
| 72-15261 | 72-15709 |
| 72-15279 | 72-15711 |
| 72-15289 | 72-15713 |
| 72-15297 | 72-15717 |
| 72-15301 | 72-15731 |
| 72-15309 | 72-15735 |
| 72-15311 | 72-15741 |
| 72-15319 | 72-15747 |
| 72-15345 | 72-15751 |
| 72-15355 |          |
| 72-15357 |          |
| 72-15363 |          |
| 72-15381 |          |
| 72-15421 |          |
| 72-15429 |          |
| 72-15431 |          |
| 72-15433 |          |
| 72-15435 |          |
| 72-15437 |          |
| 72-15441 |          |
| 72-15447 |          |
| 72-15449 |          |
| 72-15465 |          |
| 72-15471 |          |
| 72-15473 |          |
| 72-15483 |          |

(Subcase list: PWR/72 MRR)  
3/04/04

In Re SRBA ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 72-14245

PAGE 1  
Feb-18-2004