

2004 APR 21 PM 12 48

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: (See Attached
	)	Exhibit A, PWR 107 Cases

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water rights 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 or abstract for the elements of these water rights.

On December 4, 1997, the State of Idaho filed an objection to each of the above listed water rights.

Trial was held in these subcases on December 11, 2003. Affidavits were filed prior to the trial being held.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Affidavit* or this Special Masters decision from the bench, IT IS RECOMMENDED that the water rights listed on Exhibit A be decreed as set forth on the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED April 21, 2004.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

2004 APR 21 PM 12 49

In Re SRBA)
)
Case No. 39576)
)

Water Right(s): 51-11842
(SEE ATTACHED EXHIBIT A)

Debbie Lash PAGE 1
01/21/04
DEBBIE LASH
Deputy Clerk

2004 APR 21 PM 12 49

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

Water Right(s): 51-11842
(SEE ATTACHED EXHIBIT A)

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.

DATED April 21, 2004.


DEBBIE LASH
Deputy Clerk

EXHIBIT A PWR 107 CASES PER TRIAL OR AFF

Subcase Nos:

51-11842
51-11845
51-11849
51-11851
51-11854
51-11863
51-11946
51-11962
51-12031
51-12034
51-12211
51-12224
51-12821
51-12822
51-12827

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED 10

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 51-11842

2004 APR 21 PM 12 48

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

SOURCE: SPRING TRIBUTARY: DEADWOOD CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/17/1926

THIS WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW WITH AN
APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER
SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION: T15S R12E S31 NENENW Within Owyhee County

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 Owyhee County
T15S R12E S31 NENW

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

RECOMMENDATION

APR 21 2004

P. M. Q.

SPECIAL MASTER