

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        |

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**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.

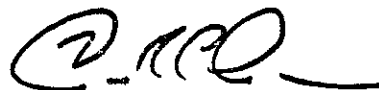
On December 4, 1997, the State of Idaho filed an objection to each of the above listed water rights.

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

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In Re SRBA )  
 )  
Case No. 39576 )  
 )

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

*Debbie Lash* PAGE 1  
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DEBBIE LASH  
Deputy Clerk

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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.

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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  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED 

2004 APR 21 PM 12 48

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 51-11854

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

SOURCE: SPRING TRIBUTARY: DEER 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

4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.  
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: T16S R12E S05 SWNESW Within Owyhee County

| PURPOSE AND<br>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  
T16S R12E S05 NESW

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

  
SPECIAL MASTER