

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAY 21 AM 11 40

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)
) Subcase 43-02409B
Case No. 39576) (USDI / BLM)
)
_____) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 7 (IDWR Basin 43)* on March 2, 1998. The Director recommended that claim 43-02409B, filed by the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, be denied: "Claim incomplete." The United States filed an *Objection* on July 2, 1998, objecting to the claim not being recommended as claimed.

IDWR filed a *Notice of Withdrawal of Director's Reports* in subcases 43-02408 and 43-02409B on June 3, 1999, stating: "These claims were incorrectly recommended in the Director's Report for small domestic and stockwater rights, when, in fact, they represent non de minimus [*sic*], irrigation uses."

IDWR filed a *Director's Report for Late Claims* on March 9, 2004, recommending claim 43-02409B to the USDI /BLM for 3.2 cfs from groundwater to irrigate 160 acres in Cassia County from March 15 to November 15 with a priority date of April 23, 1954, based on a license. The United States filed a *Notice of Voluntary Dismissal of Objection* on May 20, 2004, and on May 21, 2004, the Special Master entered an *Order Dismissing Objection*.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 43-02409B*.

DATED May 21, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

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

Water Right 43-02409B

2004 MAY 21 AM 11 41

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1367 S VINNELL WY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 3.20 CFS
640.00 AFY

PRIORITY DATE: 04/23/1954

POINT OF DIVERSION: T13S R27E S34 NESENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.20 CFS 640.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R27E S34	SWNW 40.0 SENW 40.0 NWSW 40.0
	160.0 Acres Total	

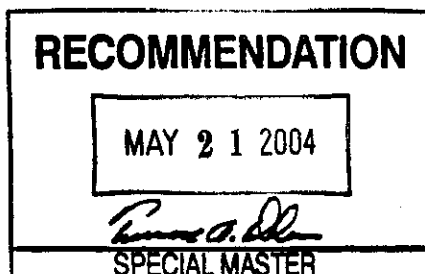
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-02409B

CERTIFICATE OF MAILING

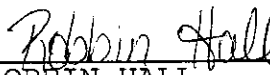
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 21, 2004, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA ACTIN

Represented by:

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02409B

On May 21, 2004, Special Master TERRENCE A. DOLAN 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 May 21, 2004.



ROBBIN HALL
Deputy Clerk