

2004 JUN 11 AM 10 52

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

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

)
) FOR WATER RIGHTS 63-5120,
) 63-24350, 63-24351, 63-24352, 63-24353,
) 63-24354, 63-24355, 63-24356 & 63-30999

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 May 6, 1999, Jeff Lord filed an objection to the ownership element in these water rights.

On January 18, 2000, the parties filed a *Stipulation to Resolve Objection*. In the Stipulation Jeff Lord agreed to withdraw his objections and the parties state that the United States of America, USDI Forest Service is the sole owner of the above listed water rights.

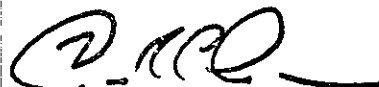
Hearing was held October 3, 2001, regarding the priority date claimed for these water rights.

On December 5, 2001, the United States of America, USDI Forest Service filed a *Memorandum in Support of IDWR'S Director's Report*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Stipulation* and *Memorandum in Support of the Director's Report*, IT IS RECOMMENDED that the above listed water rights be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATE June 11, 2004.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

2004 JUN 11 AM 10 53

In Re SRBA)
)
Case No. 39576)
)

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      Water Right(s) : 63-05120
63-24350      63-24351      63-24352
63-24353      63-24354      63-24355
63-24356      63-30999

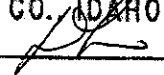
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I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 11, 2004, with sufficient first-class postage prepaid to the following:

USDA FOREST SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

Debbie Lash PAGE 1
06/11/04
DEBBIE LASH
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

2004 JUN 11 AM 10 53

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

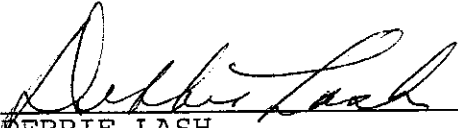
Water Right(s): 63-05120
63-24350 63-24351 63-24352
63-24353 63-24354 63-24355
63-24356 63-30999

On June 11, 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 June 11, 2004.


DEBBIE LASH
Deputy Clerk

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 *[Signature]*

2004 JUN 11 AM 10 53

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 63-24355

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: BEAVER CREEK TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T02N R06E S19 NESE (Instream Ending Point) Within Elmore County
S32 NWSW (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 06-01 TO 10-31 0.02 CFS

PLACE OF USE:	Stockwater		Within Elmore County
	T02N R06E S19	NESE	SWSE
		SESE	
	S30	NWNE	NENW
		SENW	NESW
		SESW	SWSE
	S31	NENE	NWNE
		SENE	NESE
	S32	NWSW	

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

JUN 11 2004

[Signature]
SPECIAL MASTER