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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2004 AUG 13 AM 11 29

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 35-08650
	) (USDI/BLM)
Case No. 39576	)
	) ORDER GRANTING MOTION TO
	) WITHDRAW OBJECTION, ORDER
	) VACATING STATUS CONFERENCE
_____	) and SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 5, Part I (IDWR Basin 35)* on May 29, 1997. The Director recommended claim 35-08650 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709, for .5 afy from an unnamed stream for stockwater storage and stockwater from storage uses in Butte County from April 21 to June 30 with a priority date of May 22, 1987, based on a license. The United States filed an *Objection* on September 29, 1997, objecting to point of diversion and place of use.

IDWR filed an *Amended Notice of Completed Administrative Proceeding* on August 9, 2004 ("amended license issued"), with a remark added under quantity, amended points of diversion and place of use and elimination of stockwater from storage use with the remark: "Water used under this right also includes water for wildlife." The United States filed a *Notice of Voluntary Dismissal of Objection* on August 11, 2004, based on the *Amended NCAP*.

Conclusions of Law

1. The United States is entitled to a partial decree adjudicating a water right as described in the *Amended NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 35-08650*; and

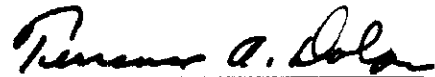
2. The United States has shown good cause to withdraw its *Objection* and have the *Objection* dismissed.

Order

THEREFORE, IT IS ORDERED that:

1. The United States motion to withdraw its *Objection* in subcase 35-08650 is **granted** and the *Objection* is **dismissed**, and
2. The status conference set for September 30, 2004, in subcase 35-08650 is **vacated**.

DATED August 13, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-08650

2004 AUG 13 AM 11 29

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

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
THIS RIGHT, WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON TO THE
SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF WATER
BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 05/22/1987

POINT OF DIVERSION: T01S R28E S14 SESE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	04-21 TO 06-30	0.50 AFY

WATER USED UNDER THIS RIGHT ALSO INCLUDES WATER FOR WILDLIFE.

PLACE OF USE: Stockwater Storage Within Butte County
T01S R28E S14 SESE

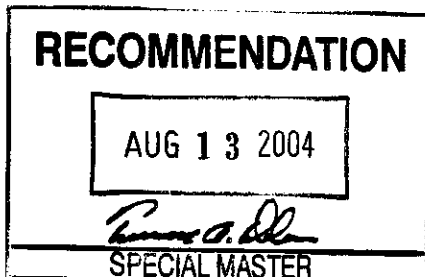
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-08650

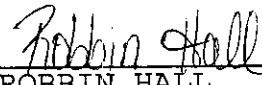
CERTIFICATE OF MAILING

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 August 13, 2004, with sufficient first-class postage prepaid to the following:

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

USDI BLM

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



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 35-08650

On August 13, 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 August 13, 2004.



ROBBIN HALL
Deputy Clerk