

RECEIVED

APR 12 2002

Department of Water Resources

2002 APR 10 PM 3:40

DISTRICT COURT - 1 SA

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

) Subcase 51-02252
) (Urquidi)

) ORDER GRANTING UNITED
) STATES MOTION TO DISMISS
) OBJECTION and SPECIAL
) MASTER REPORT

Findings of Fact

John Urquidi, HC 85 Box 135, Bruneau, Idaho 83604-9703, filed an *Amended Notice of Claim to a Water Right* on March 10, 1989, claiming 200 afa from an unnamed stream tributary to Little Jacks Creek for irrigation storage and from storage covering 40 acres and stockwater storage and from storage with a priority date of August 15, 1946, based on a license. The Director of IDWR filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6, Volume One (IDWR Basin 51)* on November 24, 1998. The Director recommended claim 51-02252 be disallowed: "Forfeited / abandoned. Due to non-use from 1987 to 1993."

John B. Urquidi, J&J Ranches filed an *Objection* on April 1, 1999, objecting to quantity, priority date, point of diversion, place of use and the water right not being recommended. On May 26, 2000, the Special Master entered an *Order Granting, in Part, and Denying in Part, Motion for Leave to Participate* in subcases 51-02058A, 51-02058B and 51-02252 granting David and Barbara Lahtinen's *Motion for Leave to Participate* in subcase 51-02252.

On June 15, 2000, the Special Master entered an *Order Granting Motions to Amend Claims* in subcases 51-02008, 51-02035 and 51-02252. On June 16, 2000, the United States of America, Department of Interior, Bureau of Land Management filed an *Objection* to priority date, point of diversion and place of use.

IDWR filed an *Amended Director's Report, Subcase No. 51-02252* on July 14, 2000, recommending .1 afa from an unnamed stream tributary to Little Jacks Creek for stockwater

storage and from storage from March 15 to November 15 with a priority date of August 15, 1946, based on a license. On August 7, 2000, the United States filed an *Objection* to the *Amended Director's Report* objecting to priority date, point of diversion, place of use and alleging the water right should not exist. The Lahtinens filed their *Objection* to the *Amended Director's Report* on August 22, 2000, objecting to quantity, priority date and alleging the water right should not exist.

On March 15, 2002, the United States filed its *Motion to Dismiss Objection* asking that its *Objections* be dismissed with prejudice. Finally, on March 21, 2002, the parties advised the court they agree 51-02252 should be decreed as recommended by IDWR.

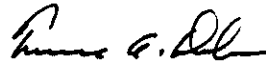
Order

THEREFORE, IT IS ORDERED that the United States *Motion to Dismiss Objection* is granted.

Conclusions of Law

John Urquidi is entitled to a partial decree adjudicating a water right under claim 51-02252 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 51-02252*.

DATED April 10, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2002 APR 10 PM 3:40
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

PAGE 1
Apr-10-2002

RECEIVED

APR 12 2002

Department of Water Resources

2002 APR 10 PM 3:40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

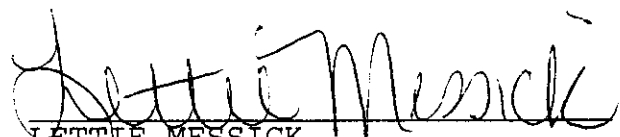
Water Right(s): 51-02252

On April 10, 2002, 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 April 10, 2002.


LETTIE MESSICK
Deputy Clerk

RECEIVED

APR 12 2002

Department of Water Resources

2002 APR 10 PM 3:40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s) : 51-02252

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 April 10, 2002, with sufficient first-class postage prepaid to the following:

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

DAVID & BARBARA LAHTINEN
Represented by:
JAY R FRIEDLY
340 E 2ND N
MOUNTAIN HOME, ID 83647
Phone: 208-587-4412

JOHN B URQUIDI
Represented by:
PAUL A. TURCKE
MOORE SMITH BUXTON & TURCKE
225 NORTH 9TH STREET, STE. 420
BOISE, ID 83702
Phone: 208-331-1800

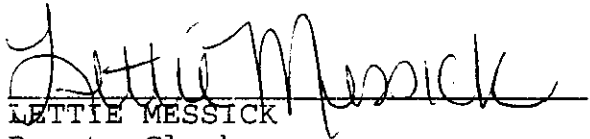
CERTIFICATE OF MAILING

PAGE 1
04/10/02

UNITED STATES OF AMERICA
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU, ID 83604-9703
Phone: 208-845-2844


LETTIE MESSICK
Deputy Clerk

RECEIVED

APR 1 2002

Department of Water Resources

2002 APR 10 PM 3:40

DISTRICT COURT - 5A

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

)
)
)
)
)
)
)

Subcase 51-02252

(Urquidi)

ORDER GRANTING UNITED
STATES MOTION TO DISMISS
OBJECTION and SPECIAL
MASTER REPORT

Findings of Fact

John Urquidi, HC 85 Box 135, Bruneau, Idaho 83604-9703, filed an *Amended Notice of Claim to a Water Right* on March 10, 1989, claiming 200 afa from an unnamed stream tributary to Little Jacks Creek for irrigation storage and from storage covering 40 acres and stockwater storage and from storage with a priority date of August 15, 1946, based on a license. The Director of IDWR filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6, Volume One (IDWR Basin 51)* on November 24, 1998. The Director recommended claim 51-02252 be disallowed: "Forfeited / abandoned. Due to non-use from 1987 to 1993."

John B. Urquidi, J&J Ranches filed an *Objection* on April 1, 1999, objecting to quantity, priority date, point of diversion, place of use and the water right not being recommended. On May 26, 2000, the Special Master entered an *Order Granting, in Part, and Denying in Part, Motion for Leave to Participate* in subcases 51-02058A, 51-02058B and 51-02252 granting David and Barbara Lahtinen's *Motion for Leave to Participate* in subcase 51-02252.

On June 15, 2000, the Special Master entered an *Order Granting Motions to Amend Claims* in subcases 51-02008, 51-02035 and 51-02252. On June 16, 2000, the United States of America, Department of Interior, Bureau of Land Management filed an *Objection* to priority date, point of diversion and place of use.

IDWR filed an *Amended Director's Report, Subcase No. 51-02252* on July 14, 2000, recommending .1 afy from an unnamed stream tributary to Little Jacks Creek for stockwater

storage and from storage from March 15 to November 15 with a priority date of August 15, 1946, based on a license. On August 7, 2000, the United States filed an *Objection* to the *Amended Director's Report* objecting to priority date, point of diversion, place of use and alleging the water right should not exist. The Lahtinens filed their *Objection* to the *Amended Director's Report* on August 22, 2000, objecting to quantity, priority date and alleging the water right should not exist.

On March 15, 2002, the United States filed its *Motion to Dismiss Objection* asking that its *Objections* be dismissed with prejudice. Finally, on March 21, 2002, the parties advised the court they agree 51-02252 should be decreed as recommended by IDWR.

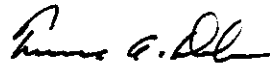
Order

THEREFORE, IT IS ORDERED that the United States *Motion to Dismiss Objection* is granted.

Conclusions of Law

John Urquidi is entitled to a partial decree adjudicating a water right under claim 51-02252 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 51-02252*.

DATED April 10, 2002.



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

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

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

Water Right 51-02252

2002 APR 10 PM 3:40
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: JOHN URQUIDI
HC 85 BOX 135
BRUNEAU, ID 83604-9703

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE JACKS CREEK

QUANTITY: 0.10 APY

PRIORITY DATE: 08/15/1946

POINT OF DIVERSION: T10S R02E S07 NENENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	03-15 TO 11-15	0.10 APY
	Stockwater from Storage	03-15 TO 11-15	0.10 APY

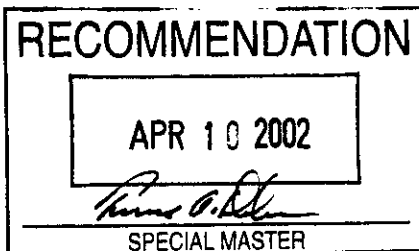
PLACE OF USE: Stockwater from Storage Within Owyhee County
T10S R02E S07 NENE

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

APR 12 2002

Department of Water Resources

2002 APR 10 PM 3:40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

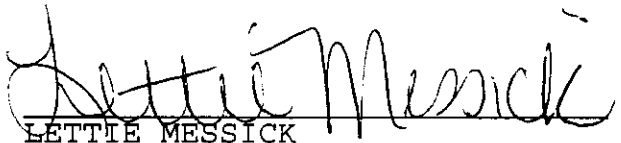
Water Right(s): 51-02252

On April 10, 2002, 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 April 10, 2002.


LETTIE MESSICK
Deputy Clerk

RECEIVED

APR 10 2002

Department of Water Resources

2002 APR 10 PM 3:40
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *OMC*

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 51-02252

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 April 10, 2002, with sufficient first-class postage prepaid to the following:

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

DAVID & BARBARA LAHTINEN
Represented by:
JAY R FRIEDLY
340 E 2ND N
MOUNTAIN HOME, ID 83647
Phone: 208-587-4412

JOHN B URQUIDI
Represented by:
PAUL A. TURCKE
MOORE SMITH BUXTON & TURCKE
225 NORTH 9TH STREET, STE. 420
BOISE, ID 83702
Phone: 208-331-1800

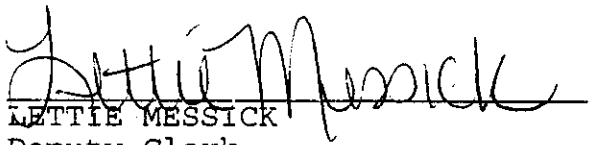
CERTIFICATE OF MAILING

PAGE 1
04/10/02

UNITED STATES OF AMERICA
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

JOHN URQUIDI
HC 85 BOX 135
BRUNEAU, ID 83604-9703
Phone: 208-845-2844


LETTIE MESSICK
Deputy Clerk