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Department of Water Resources

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED       

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 AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
|                | ) | FOR WATER RIGHT 75-07402    |
| _____          | ) |                             |

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 for the elements of this water right.

An *Objection* to the *Director's Report* was filed by the United States Bureau of Land Management (hereafter "Objector") on April 6, 1999. The Objector filed a *Motion to Dismiss Objection* for this water right on January 30, 2002, prior to the filing of any responses. The *Motion* was **granted** on February 13, 2002. There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed. The record on file for this water right includes the *Director's Report* to which there are no remaining objections.

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the *Special Master's Recommendation for Partial Decree*.

DATED: April 22, 2002.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
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 75-07402

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TWIN FALLS CO., IDAHO  
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NAME AND ADDRESS: USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

Department of Water Resources

SOURCE: SPRING

TRIBUTARY: HOT SPRING CREEK

QUANTITY: 0.04 CFS  
1.40 AFY

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

PRIORITY DATE: 08/01/1983

POINT OF DIVERSION: T20N R22E S02 LOT 06 ( NWSW) Within Lemhi County  
S10 SWNE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|-------------------------------|----------------|----------------|----------------------|
|                               | Stockwater     | 05-01 TO 07-31 | 0.03 CFS<br>1.40 AFY |
|                               | Wildlife       | 01-01 TO 12-31 | 0.01 CFS<br>1.40 AFY |

| PLACE OF USE: | Stockwater    |      | Within Lemhi County |
|---------------|---------------|------|---------------------|
|               | T20N R22E S02 | NWSW |                     |
|               | T21N R22E S21 | NWNE |                     |
|               | S22           | SWNE | NWNW                |
|               | S23           | SWSW |                     |
|               | S26           | NWNW | SWSW                |
|               |               | SESE |                     |
|               | S27           | NESE | NWSE                |
|               | S35           | NENW |                     |
|               | Wildlife      |      | Within Lemhi County |
|               | T20N R22E S02 | NWSW |                     |
|               | S35           | NENW |                     |
|               | T21N R22E S21 | NWNE |                     |
|               | S22           | SWNE | NWNW                |
|               | S23           | SWSW |                     |
|               | S26           | NWNW | SWSW                |
|               |               | SESE |                     |
|               | S27           | NESE | NWSE                |
|               | S35           | NENW |                     |

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).

**RECOMMENDATION**

**APR 22 2002**

*[Signature]*  
**SPECIAL MASTER**

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 75-07402 File Number: 00081

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.

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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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

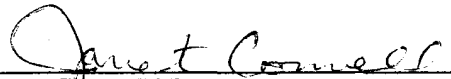
Water Right(s): 75-07402

On April 23, 2002, Special Master BRIGETTE BILYEU 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 23, 2002.

  
JANET CONNELL  
Deputy Clerk

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TWIN FALLS CO., IDAHO  
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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): 75-07402

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 23, 2002, 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  
Phone: 208-387-0835

*Janet Connell*  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
04/23/02