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FILED
TWIN FALLS CO. IDAHO
JAN 1 2003

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

-) Federal Reserve Rights: 25-13625, 25-
-) 13627, 25-13629, 25-13631, 25-13633, 25-
-) 13676 and 25-13678
-) State Based Rights: 25-13635 and 25-13653
-)
-) SPECIAL MASTER'S REPORT AND
-) RECOMMENDATION

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

I. FINDINGS OF FACT

The above-captioned water rights were claimed in the SRBA as "dual based" claims, pursuant to state law and as a federal reserve water right pursuant to Public Water Reserve 107, by the United States Department of the Interior, Bureau of Land Management. An objection was filed by the State of Idaho. On August 10, 1999, the State of Idaho and the United States filed a *Stipulation*, which stipulated to the federal reserve basis for the claim. Based on the Stipulation, a *Master's Report and Recommendations* were issued on August 24, 1999. An *Order of Recommitment for Evidentiary Hearing I.C. Section 42-1411A* was issued on June 15, 2000.

On December 9, 2002, a hearing was held on these subcases pursuant to Idaho Code 42-1411A(14), which requires the United States to demonstrate a *prima facie* showing of the existence of the claimed federal reserve water right. In conjunction with that hearing, the United States filed an *Affidavit of Deena M. Teel*. This Special Master also took sworn testimony of Frederic Price.

CONCLUSION OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that water rights 25-13625, 25-13627, 25-13629, 25-13631, 25-13633, 25-13676 and 25-13678 be decreed as a federal reserve water right with the elements as set forth in the *Recommendations for Partial Decrees* that were issued on August 24, 1999. IT IS FURTHER RECOMMENDED that the *Master's Report and Recommendations* issued on water rights 25-13635 and 25-13653 be withdrawn and these water rights be issued with the elements as set forth in the attached *Amended Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated December 18, 2002.



THOMAS CUSHMAN
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 25-13653

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T01N R41E S23 NWNENW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Bonneville County
T01N R41E S23 NENW

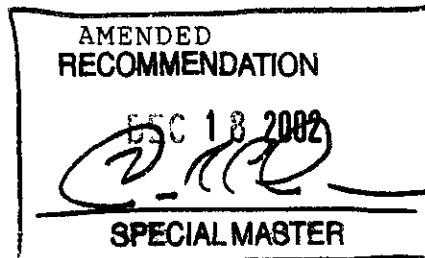
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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. 19576)
_____)

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

Water Right 25-13635

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TWIN FALLS CO. IDAHO
OK

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T01S R41E S20 NWSEW Within Bonneville County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Bonneville County
T01S R41E S20 SESW

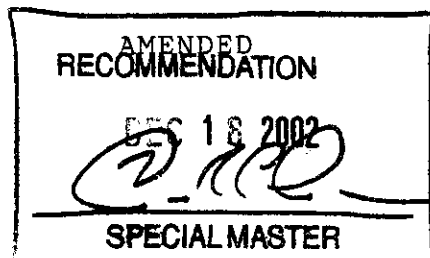
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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Roger Burdick
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Snake River Basin Adjudication



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TWIN FALLS CO., 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	)	Federal Reserve Rights: 25-13625, 25-
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Case No. 39576	)	13676 and 25-13678
_____	)	State Based Rights: 25-13635 and 25-
		13653

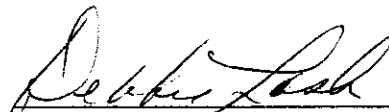
CERTIFICATE OF MAILING

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

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724

Office of the Attorney General
P O Box 83720
Boise, Idaho 83720-0010


Deputy Clerk

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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

Case No. 39576

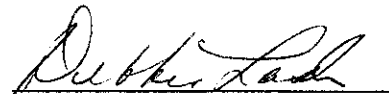
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) 13676 and 25-13678
) State Based Rights: 25-13635 and 25-
13653

NOTICE OF ISSUANCE

On December 18, 2002, special Master THOMAS R. CUSHMAN issued a ***SPECIAL MASTER'S REPORT AND 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 by the 28th day of the month following the publication of the filing of the ***Special Master's Report and Recommendation*** in the Docket Sheet (***AO1***, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the ***Special Master's Report and Recommendation*** shall constitute a waiver of the right to challenge it before the Presiding Judge.


Deputy Clerk