

TO THE ATTENTION OF THE  
SHERIFF'S OFFICE, IDAHO  
FILED

7c

In Re SRBA  
Case No. 39576

**FOR WATER RIGHT NOS.: 37-13434,  
37-13471, 37-19940, 37-19942, 37-19943,  
37-19944, 37-19946, 37-19947, 19948, 37-  
19949 and 37-19950**

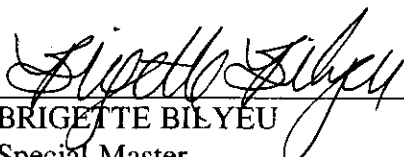
The Objectors filed a *Notice of Withdrawal of Objections and Responses* on August 29, 2002, prior to the filing of any responses. There are no unresolved objections remaining in this subcase. In addition, a *Stipulation and Joint Motion for Order Approving Stipulation* was filed by the parties on August 29, 2002 in the above listed subcases.

## II. CONCLUSIONS OF LAW

The United States claimed these rights under state law. There is no assertion that these rights are based on a federal reservation. The United States claimed early priority dates for these rights. The priority dates were investigated by IDWR and recommended in the *Director's Report*. The *Director's Report* has *prima facie* weight.

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: February 6, 2003

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

2003 FEB -6 PM 11:22

FILED - SRBA  
JANET CONNELL  
CLERK  
FEB -6 2003  
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): 37-13434  
(SEE ATTACHED EXHIBIT A)

On February 06, 2003, 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 February 06, 2003.

  
JANET CONNELL  
Deputy Clerk

Exhibit A

Subcase Nos:

37-13434  
37-13471  
37-19940  
37-19942  
37-19943  
37-19944  
37-19946  
37-19947  
37-19948  
37-19949  
37-19950

2003 FEB -6 PM 4:22

FILED  
TWIN FALLS, IDAHO  
ST-SRBA

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): 37-13434  
(SEE ATTACHED EXHIBIT A)

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 February 06, 2003, with sufficient first-class postage prepaid to the following:

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

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

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
02/06/03

Exhibit A

Subcase Nos:

37-13434  
37-13471  
37-19940  
37-19942  
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37-19950

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 37-19944

2003 FEB -6 PM 4:22

SRBA  
TWIN FALLS, IDAHO  
FILED

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

SOURCE: GLADIATOR CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T06N R15E S10 NENW (Instream Ending Point) Within Blaine County  
T07N R15E S26 SWSE (Instream Beginning Point)

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Stockwater     | 07-01 TO 09-30 | 0.02 CFS |

| PLACE OF USE: | Stockwater    |      | Within Blaine County |
|---------------|---------------|------|----------------------|
|               | T06N R15E S03 | SWNE | NWSE                 |
|               |               | SWSE |                      |
|               | S10           | NWNE | NENW                 |
|               | T07N R15E S26 | SWSE |                      |
|               | S35           | NWNE | SWNE                 |
|               |               | SENE | NESE                 |
|               |               | NWSE | SESE                 |

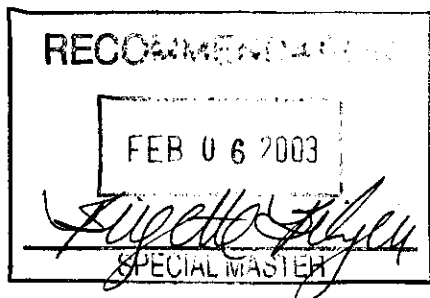
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication