

2003 JAN 10 PM 2:56

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS (See Attached
	)	Exhibit A)

I. FINDINGS OF FACT

A notice of claim was filed for these water rights 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 or abstract for the elements of these water rights.

An objection was filed by United States Department of Interior, Bureau of Land Management. An objection was also filed by State of Idaho. All objections to these water rights were resolved by stipulation of the parties with a *Standard Form 5*. All parties to the subcases and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water right 72-15880C be decreed as **disallowed** and the remaining water rights be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: January 10, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

72-15763
72-15781
72-15880A
72-15880B
72-15880C
72-15890
72-15915
72-15942
72-15944
72-16011
72-16016

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Department of Water Resources

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 72-16011

2003 JAN 10 PM 2:56

FILED

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

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Department of Water Resources

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER
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: T09N R17E S11 NESWSW (Instream Ending Point) Within Custer County
S14 LOT 4 (SWNWNW) (Instream Beginning Point)
S15 SENWSE (Instream Ending Point)
SENWSE (Instream Beginning Point)
S22 NESESW (Instream Ending Point)
SESESW (Instream Beginning Point)
S28 SESENE (Instream Ending Point)
SESWSE (Instream Beginning Point)
R18E S03 LOT 3 (NENENW) (Instream Ending Point)
LOT 4 (NWNWNW) (Instream Beginning Point)
S04 LOT 3 (NENENW) (Instream Ending Point)
LOT 3 (NWNENW) (Instream Beginning Point)
LOT 3 (NWNENW) (Instream Beginning Point)
LOT 3 (NWNENW) (Instream Ending Point)
S05 LOT 1 (NENENE) (Instream Ending Point)
LOT 2 (NENWNE) (Instream Beginning Point)
LOT 2 (NWNWNE) (Instream Ending Point)
LOT 3 (NWNENW) (Instream Beginning Point)
T10N R18E S01 LOT 3 (SWNENW) (Instream Beginning Point)
LOT 3 (SWNENW) (Instream Ending Point)
SWNWSE (Instream Beginning Point)
SWNWSE (Instream Ending Point)
S13 NWNWNE (Instream Beginning Point)
NWNWNE (Instream Ending Point)
S24 NWSESW (Instream Ending Point)
S25 SENWNW (Instream Beginning Point)
S35 SWNESW (Instream Ending Point)
SENWSW (Instream Beginning Point)
T11N R18E S22 LOT 5 (NWNESW) (Instream Ending Point)
S26 SWNWNW (Instream Beginning Point)
S35 LOT 1 (NWNWNE) (Instream Ending Point)
LOT 1 (SWNWNW) (Instream Beginning Point)
SWNESE (Instream Beginning Point)
NWNWSE (Instream Ending Point)

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 Custer County
T09N R17E S11 SWSW
S14 LOT 4 (NWNW)
S15 NWSE
S22 SESW

PLACE OF USE (continued)

S28	SENE	NESE
	SWSE	SESE
R18E S03 LOT 3	(NENW)	LOT 4 (NWNW)
S04 LOT 3	(NENW)	
S05 LOT 1	(NENE)	LOT 2 (NWNW)
LOT 3	(NENW)	
T10N R18E S01 LOT 3	(NENW)	NWSE
S13	NWNE	
S24	SWSW	SESW
S25	NWNW	
S35	NESW	NWSW
T11N R18E S22 LOT 5	(NESW)	NWSE
	SWSE	
S26	NWNW	
S27	NENE	NWNE
S35 LOT 1	(NWNW)	LOT 2 (NWNW)
	NESE	

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

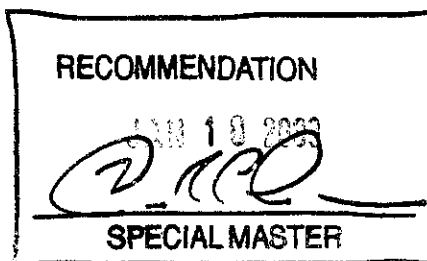
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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



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 72-15880A

2003 JAN 10 PM 2:56

FILED
JAN 13 2003
Department of Water Resources

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

SOURCE: KINNIKINIC CREEK TRIBUTARY: SALMON RIVER
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: T11N R17E S01 LOT 3 (NENENW) (Instream Beginning Point) Within Custer County
S13 NESWN (Instream Ending Point)

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 Custer County
T11N R17E S01 LOT 3 (NENW) LOT 4 (NWNW)
SENW NWSW
S12 NENW NWNW
SENW NESW
SESW
S13 NENW NWNW
SWNW

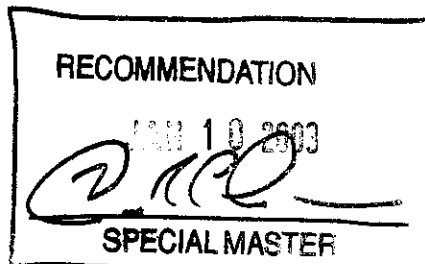
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
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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

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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

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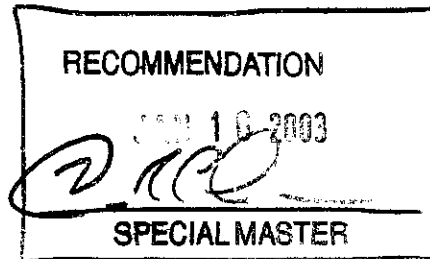
Department of Water Resources

PAGE 1
Jun-18-2002

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 72-15942

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FILED
JAN 10 2003
DEPARTMENT OF WATER RESOURCES

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

SOURCE: CORRAL BASIN CREEK TRIBUTARY: HORSE BASIN CREEK

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: T10N R19E S23 NENWNE (Instream Ending Point) Within Custer County
T11N R20E S33 SESESE (Instream Beginning Point)

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 Custer County
T10N R19E S12 SENE SESW
NESE NWSE
SWSE
S13 NENW NWNW
S14 NENE SENE
NESE SWSE
SESE
S23 NWNE
R20E S05 NENE SWNE
SENE SENW
NESW NWSW
NWSW
S06 NESE SWSE
SESE
S07 NWNE NWNE
NENW LOT 1 (NWNW)
LOT 2 (SWNW)
T11N R20E S32 SESE
S33 NESW NWSW
SWSW NESE
NWSE SESE

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

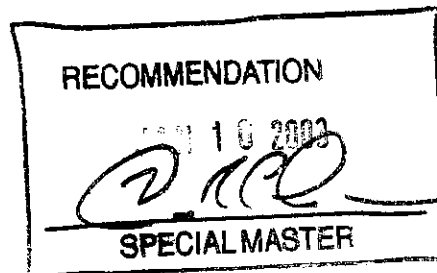
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 72-15915

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

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SOURCE: PINE CREEK TRIBUTARY: SALMON RIVER, EAST FORK
QUANTITY: 0.02 CFS

Department of Water Resources

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T09N R18E S05 NESWN (Instream Ending Point) Within Custer County
S08 SESWSW (Instream Beginning Point)

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 Custer County
T09N R18E S05 SWNW NESW
NWSW SESW
S08 LOT 3 (NENW) SENW
NESW NWSW
SWSW

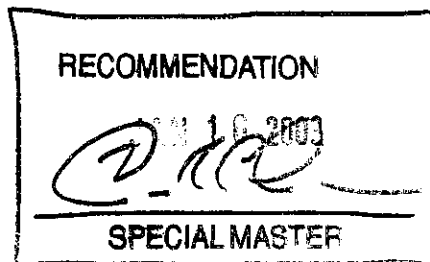
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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JAN 13 2000

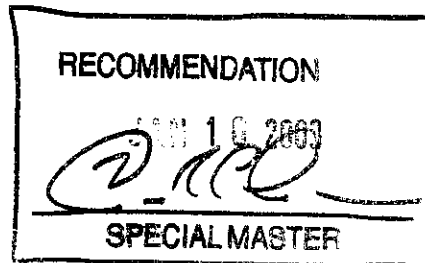
Department of Water Resources

PAGE 1
Jun-19-2002

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 72-15781

2003 JAN 10 PM 2:56

FILED
TWIN FALLS CO IDAHO
JAN 13 2003

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

SOURCE: ELLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

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

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Department of Water Resources

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T16N R19E S12 SWNNW (Instream Beginning Point) Within Custer County
R20E S27 LOT 2 (SESENE) (Instream Ending Point)

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 Custer County
	T16N R19E S12	NWNW	SWNW
		NESW	NWSW
		SESW	SWSE
	S13	NWNE	SWNE
		SENE	NESE
	R20E S18	NESW	LOT 3 (NWSW)
		NWSE	SWSE
		SESE	
	S19	NENE	
	S20	NWNW	SWNW
		SENE	NESW
		NESE	NWSE
		SESE	
	S21	SWSW	SESW
		SWSE	SESE
	S22	SWSW	SESW
	S27 LOT 1	(NENE)	NWNE
	LOT 2	(SENE)	NENW
	S28	NENE	NWNE

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

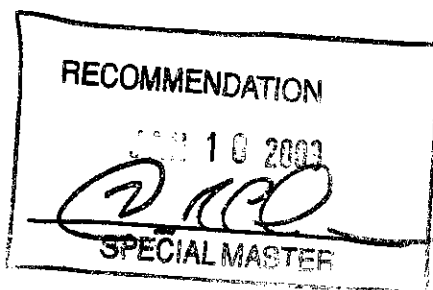
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 72-15890

2003 JAN 10 PM 2:56

IN RE SRBA
TWIN FALLS CO. IDAHO
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Department of Water Resources

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

SOURCE: UNNAMED STREAM TRIBUTARY: THOMPSON CREEK

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: T11N R16E S12 SENWNW (Instream Beginning Point) Within Custer County
NWSNW (Instream Ending Point)

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 Custer County
T11N R16E S12 NWNW SWNW
SENW NESW
NWSW SWSW
SESW
S13 NENW NWNW
SENW

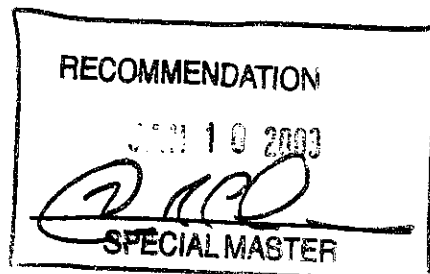
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Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 72-16016

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Department of Water Resources

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

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

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: T14N R18E S02 LOT 4 (SWNNWN) (Instream Ending Point) Within Custer County
T15N R18E S35 SWNWSW (Instream Beginning Point)

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 Custer County
T14N R18E S02 LOT 4 (NWNW)
T15N R18E S35 NWSW SWSW

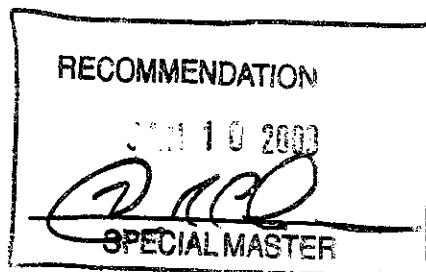
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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Department of Water Resources

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TWIN FALLS CO., IDAHO
DF

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): 72-15763
(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 January 10, 2003, with sufficient first-class postage prepaid to the following:

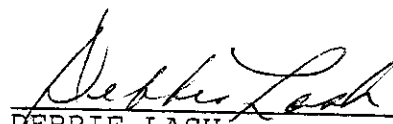
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

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

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/10/03

Exhibit A

Subcase Nos:

72-15763
72-15781
72-15880A
72-15880B
72-15880C
72-15890
72-15915
72-15942
72-15944
72-16011
72-16016

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JAN 13 2003
Department of Water Resources

JAN 12 2023

Department of Water Resources

7-383A
TWIN FALLS CO., IDAHO

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

Water Right(s): 72-15763
(SEE ATTACHED EXHIBIT A)

Debbie Lash
DEBBIE LASH
Deputy Clerk

Exhibit A

Subcase Nos:

72-15763
72-15781
72-15880A
72-15880B
72-15880C
72-15890
72-15915
72-15942
72-15944
72-16011
72-16016