

FILED 90-10-10 SRBA
90-10-10 IDAHO

Case No. 39576

SPECIAL MASTER'S REPORT

FOR WATER RIGHT: 33-10897

The above-captioned water right was claimed by the United States, Department of Interior, Bureau of Land Management (United States) as a state-law based right. The right was recommended disallowed by the Idaho Department of Water Resources.

An Objection was filed by United States, and a Response to the Objection was filed by the State of Idaho. On June 10, 2004, a *Standard Form 5/Amended Claim* signed by the Claimant and Respondent with IDWR's concurrence was filed. On June 24, 2004 an *Order Rescinding Order of Reference To Special Master Thomas R. Cushman* was filed. The *Order* stated the Court would proceed in the matter specified by *Administrative Order 1* for Special Masters, with Judge John Melanson presiding. No objections were received to the *Amended Claim and Director's Report*.

RECOMMENDATION

Therefore, based on the file and record herein and the *Standard Form 5*, IT IS RECOMMENDED that the above-captioned water right be decreed as a state-based water right with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: September 17, 2004

JOHN M. MELANSON
Presiding Judge
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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 33-10897

2004 SEP 17 PM 2:35
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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

SOURCE: HURST CREEK 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: T06N R27E S25 LOT 1 (SESESE) (Instream Beginning Point) Within Butte County
R28E S14 NESWE (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 Butte County
	T06N R27E S25 LOT 1 (SESE)	
	R28E S14 SWNE	SNNW
		SENW
	S15 NESW	NWSW
		SESW
		NWSE
	S19 SESE	
	S20 SENE	NESW
		SESW
		NWSE
	S21 NENE	NWNE
		SWNE
		SENW
	S22 NWNW	
	S30 LOT 1 (NENE)	LOT 2 (NWNE)
		SENW
		LOT 6 (NWSW)
	LOT 7 (SWSW)	

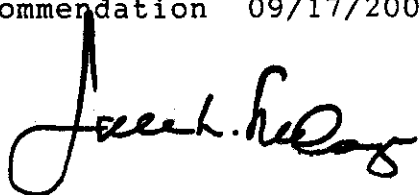
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

BLM RECORD ID = 3303480359
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.

Recommendation 09/17/2004



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 33-10897

On September 17, 2004, Special Master JOHN M MELANSON 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 September 17, 2004.



JULIE MURPHY
Deputy Clerk

2004 SEP 17 PM 2:35

FILED
TWIN FALLS CO., IDAHO
JULIE MURPHY

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): 33-10897

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 September 17, 2004, with sufficient first-class postage prepaid to the following:

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

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

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

CERTIFICATE OF MAILING

Julie Murphy
JULIE MURPHY
Deputy Clerk

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09/17/04