

2002 OCT 31 PM 4 48

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	)	Subcase 47-16595
	)	(USDI/BLM)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12, Volume Five (IDWR Basin 47)* on August 14, 1998. The Director recommended claim 47-16595 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709-1657 for .02 cfs from Salmon Falls Creek for year-'round stockwater use with a priority date of January 1, 1875, based on beneficial use.

The State of Idaho filed an *Objection* on approximately February 8, 1999, objecting to priority date and alleging the water right should not exist. The United States filed an *Objection* on approximately February 12, 1999, objecting to points of diversion and places of use. On September 22, 2000, the parties and IDWR filed an *Amended Claim Standard Form 5* agreeing to amended points of diversion and places of use and a priority date of June 28, 1934.

Conclusions of Law

The United States of America is entitled to a partial decree adjudicating a water right under claim 47-16595 as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-16595*.

DATED October 31, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
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

FILED
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-16595

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE 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: T14S R15E S18 LOT 12 (NESE) (Instream Beginning Point) Within Twin Falls County
LOT 12 (NESE) (Instream Ending Point)
S19 SESENW (Instream Ending Point)
SWNESE (Instream Beginning Point)
LOT 3 (SWNWSW) (Instream Beginning Point)
LOT 3 (SENWSW) (Instream Ending Point)
S30 LOT 1 (NENWNW) (Instream Ending Point)
S31 LOT 1 (SENWNW) (Instream Beginning Point)
NENESW (Instream Ending Point)
T15S R14E S24 SWSESE (Instream Beginning Point)
S25 SENWNE (Instream Beginning Point)
NENWNE (Instream Ending Point)
SESESW (Instream Ending Point)
SWSESW (Instream Beginning Point)
R15E S06 NESENW (Instream Beginning Point)
S07 SESENW (Instream Ending Point)
SESESW (Instream Beginning Point)
NENWSE (Instream Beginning Point)
NENWSE (Instream Ending Point)
SENWSE (Instream Ending Point)
S18 LOT 6 (SWNWSW) (Instream Beginning Point)
S19 LOT 1 (NWNW) (Instream Ending Point)
T16S R14E S12 NWNENE (Instream Ending Point)
R15E S29 LOT 3 (SWSWSE) (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 Twin Falls County
	T14S R14E S24 SENE	NESE
	R15E S18 LOT 9 (SESW)	LOT 5 (NESE)
	LOT 12 (NESE)	LOT 6 (NWSE)
	LOT 13 (NWSE)	LOT 14 (SWSE)
	LOT 9 (SWSE)	
	S19 LOT 7 (SWNW)	LOT 2 (SWNW)
	SESW	NESW
	LOT 6 (NWSW)	LOT 3 (NWSW)
	S30 LOT 1 (NWNW)	LOT 2 (SWNW)
	LOT 3 (NWSW)	LOT 4 (SWSW)
	S31 LOT 1 (NWNW)	LOT 2 (SWNW)
	NESW	LOT 3 (NWSW)
	SESW	SWSE

PLACE OF USE (continued)

T15S R14E S24	NENE	SENE
	NESE	SESE
S25	NWNE	NENW
	NESW	SESW
R15E S06 LOT 2	(NWNE)	LOT 3 (NENW)
	SENW	NESW
	SESW	
S07	NESW	SESW
	NWSE	
S18	NENW	LOT 8 (NWNW)
LOT 7	(SWNW)	LOT 6 (NWSW)
	NWSW	SESW
S19 LOT 1	(NWNW)	
T16S R14E S12	NENE	
R15E S07	NWNE	SWNE
	NENW	LOT 1 (NWNW)
	NESE	NWSE
	SWSE	SESE
S17	SWSW	
S18	NENE	NWNE
	SWNE	SENE
	NESE	SESE
S20	NWNE	SWNE
	NENW	NWNW
	NWSE	SWSE
	SESE	
S29	NENE	NWNE
	SWNE	SENE
	NENW	SENW
	NWSE	LOT 3 (SWSE)

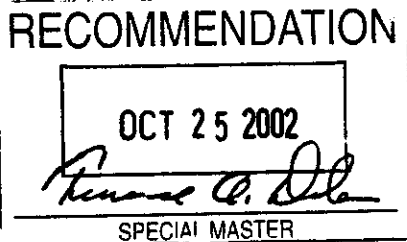
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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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): 47-16595

CERTIFICATE OF MAILING

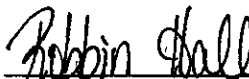
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 31, 2002, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
10/31/02

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION
Water Right(s): 47-16595

On October 31, 2002, Special Master TERRENCE A. DOLAN 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 October 31, 2002.



ROBBIN HALL
Deputy Clerk