

2002 NOV 21 AM 9: 54
 DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO
 FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

	)	SPECIAL MASTER'S REPORT
	)	
In Re SRBA	)	FINDINGS OF FACTS AND
	)	CONCLUSIONS OF LAW;
	)	ORDER DISMISSING MOTION TO FILE
Case No. 39576	)	LATE OBJECTION
	)	
_____	)	FOR WATER RIGHT 51-12433

FINDINGS OF FACT

A notice of claim was filed for the above listed water right 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 and filed a *Director's Report*. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

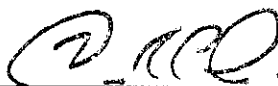
On December 4, 1997, the State of Idaho filed an *Objection* to the priority date of this water right. On December 5, 1997, the United States of America also filed an *Objection*. On August 6, 1999, C. E. Brackett Cattle Company filed a *Motion to File Late Objections (Motion)*. A *Recommendation Denying Motion to File Late Objections* was issued on March 13, 2002.

On November 1, 2002, a *Joint Motion to Dismiss Objections, Motions to File Late Objections, and Motions to Set Aside Partial Decree (Joint Motion)* was filed by Craig Pridgen and Roger Ling on behalf of the Brackett entities, and Larry Brown on behalf of the United States. The State of Idaho did not sign the *Joint Motion*.

CONCLUSIONS OF LAW

Based on the file and record herein and pursuant to the *Joint Motion* withdrawing motions and dismissing objections, IT IS RECOMMENDED that this subcase be decreed with the elements as set for the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for water right 51-12433*.

Dated November 21, 2002.



 THOMAS R. 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

2002 NOV 21 AM 9:55

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-12433

FILED

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

SOURCE: POISON CREEK TRIBUTARY: JARBIDGE 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 R09E S35 SWNESE (Instream Ending Point) Within Owyhee County
SENESE (Instream Beginning Point)
T15S R09E S01 LOT 2 (NWNE) (Instream Ending Point)
S13 SWNESE (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 Owyhee County
T14S R09E S35 NESW NESE
NWSE
T15S R09E S01 LOT 2 (NWNE) SWNE
SENW NESW
SESW
S12 SWNE NENW
SENW NESE
NWSE
S13 NESE
R10E S07 LOT 3 (NWSW) LOT 4 (SWSW)
S18 NENW LOT 1 (NWNW)
LOT 2 (SWNW) SENW

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



2002 NOV 21 AM 9:55

FILED
TWIN FALLS CO. IDAHO
CLERK

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	)	SUBCASES: SEE EXHIBIT A
	)	
Case No. 39576	)	NOTICE OF ISSUANCE
_____	)	

On November 21, 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)***.

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

EXHIBIT A

Subcase Nos:

51-11955
51-11969
51-11971
51-11972
51-11974
51-11975
51-11976
51-11979
51-12013
51-12079
51-12349
51-12350
51-12372
51-12374
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51-12434
51-12436
51-12442
51-12443
51-12448
51-12499
51-12502
51-12715

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FILED
CLERK OF DISTRICT COURT
TWIN FALLS, 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

) SUBCASES: SEE EXHIBIT A
)
)
)

Case No. 39576

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 RECOMMENDATION were mailed November 21, 2002, 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

Roger D Ling
P O Box 396
Rupert, Idaho 83350

Craig A Pridgen
221 Main Street, 16th Floor
San Francisco, CA 94105-1936

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

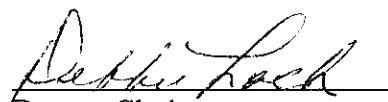

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