

FILED  
 SIDA  
 TWIN FALLS, 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 51-12436        |

**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.

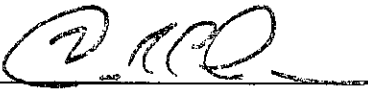
On December 4, 1997, the State of Idaho filed an *Objection* to the priority date of this water right. On December 5, 1997, the United States of America also filed an *Objection*. On August 6, 1999, C. E. Brackett Cattle Company filed a *Motion to File Late Objections (Motion)*. A *Recommendation Denying 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 51-12436*.

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 51-12436

FILED  
TWIN FALLS, IDAHO  
2002

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

SOURCE: UNNAMED STREAM TRIBUTARY: CLOVER 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: | T14S R10E S09 | SWSWE | (Instream Beginning Point) Within Owyhee County |
|                     |               | SESE  | (Instream Ending Point)                         |
|                     | S21           | NENE  | (Instream Ending Point)                         |
|                     |               | SENE  | (Instream Ending Point)                         |
|                     | S26           | SENW  | (Instream Beginning Point)                      |
|                     |               | SWSE  | (Instream Beginning Point)                      |
|                     | S27           | NWNW  | (Instream Ending Point)                         |
|                     |               | NWSW  | (Instream Ending Point)                         |
|                     | S28           | NWSW  | (Instream Beginning Point)                      |
|                     | S29           | NWSE  | (Instream Beginning Point)                      |
|                     | S34           | NWNW  | (Instream Ending Point)                         |
|                     |               | SESE  | (Instream Beginning Point)                      |
|                     | S35           | NWSW  | (Instream Beginning Point)                      |
|                     | T15S R10E S03 | NWSW  | (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 R10E S09 | SWSE | SESE                 |
|               | S20           | SESW | SWSE                 |
|               |               | SESE |                      |
|               | S21           | NENE | SWNE                 |
|               |               | SENE | NESW                 |
|               |               | NWSW | NESE                 |
|               |               | NWSE | SWSE                 |
|               |               | SESE |                      |
|               | S22           | NESW | NWSW                 |
|               |               | SWSW | NESE                 |
|               |               | NWSE |                      |
|               | S23           | NWSW | SWSW                 |
|               | S26           | NENW | NWNW                 |
|               |               | SENW | NWSW                 |
|               |               | SWSW | SESW                 |
|               |               | SWSE |                      |
|               | S27           | SWNE | SENE                 |
|               |               | NWNW | SWNW                 |
|               |               | SENW | NWSW                 |
|               |               | SWSW | SESW                 |
|               |               | NESE |                      |
|               | S28           | NWNE | NENW                 |
|               |               | SENW | NESW                 |
|               |               | NWSW |                      |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

|                     |        |      |
|---------------------|--------|------|
| S29                 | SWNE   | NENW |
|                     | SENW   | NWSE |
| S34                 | NENE   | NWNE |
|                     | SENE   | NENW |
|                     | NWNW   | SWNW |
|                     | SENW   | NESW |
|                     | NWSW   | SWSW |
|                     | NWSE   | SWSE |
|                     | SESE   |      |
| S35                 | NWNE   | NENW |
|                     | SWNW   | NWSW |
| TISS R10E S03 LOT 4 | (NWNW) | SWNW |
|                     | NESW   | NWSW |

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

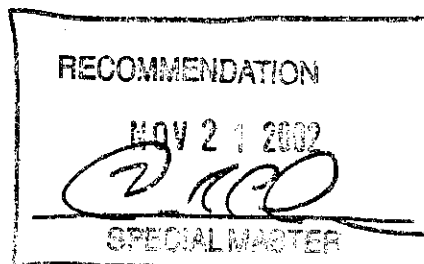
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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  
FILED *[Signature]*

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.

*[Signature]*  
\_\_\_\_\_  
Deputy Clerk

EXHIBIT A

Subcase Nos:

51-11955  
51-11969  
51-11971  
51-11972  
51-11974  
51-11975  
51-11976  
51-11979  
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51-12349  
51-12350  
51-12372  
51-12374  
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51-12443  
51-12448  
51-12499  
51-12502  
51-12715

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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, 16<sup>th</sup> Floor  
San Francisco, CA 94105-1936

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

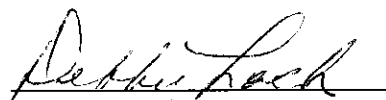
  
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