

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 10/20/02
2002 NOV 27 PM 2 45

RECEIVED
NOV 29 2002

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

)
) **Subcase 47-07141**
) **(USDI/BLM)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, filed a *Notice of Claim to a Water Right* on March 25, 1993, claiming .01 cfs from springs for year-'round wildlife use and for stockwater use from April 1 to November 30 in Twin Falls County with a priority date of April 6, 1972, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended the claim as filed.

The United States filed an *Objection* on February 12, 1999, objecting to place of use. However, on November 26, 2002, the United States filed a *Motion to Dismiss Objection* which was granted the next day.

Conclusions of Law

The United States of America, Department of Interior, Bureau of Land Management is entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 47-07141*.

DATED November 27, 2002.


TERRENCE A. DOLAN
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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED

2002 NOV 27 PM 2 45

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-07141

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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.01 CFS
2.80 AFY

PRIORITY DATE: 04/06/1972

POINT OF DIVERSION: T15S R13E S26 SWNE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 11-30	0.01 CFS
			2.80 AFY
	Wildlife	01-01 TO 12-31	0.01 CFS
			2.80 AFY

PLACE OF USE:	Stockwater		Within Twin Falls County
	T15S R13E S10	NWSW	
	S11	SENE	
	S13	NWNW	SESW
	S15	NWNE	
	S24	SWNW	
	S26	NENE	
	Wildlife		Within Twin Falls County
	T15S R13E S10	NWSW	
	S11	SENE	
	S13	NWNW	SESW
	S15	NWNE	
	S24	SWNW	
	S26	NENE	

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

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

NOV 27 2002
Ronald A. DeLeon
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

NOV 29 2002

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED Robb Hall

2002 NOV 27 PM 2 45

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): 47-07141

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 November 27, 2002, 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
Phone: 208-387-0835

Robbin Hall
ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/27/02

2002 NOV 27 PM 2 46

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): 47-07141

On November 27, 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 November 27, 2002.

Robbin Hall
ROBBIN HALL
Deputy Clerk