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Department of Water Resources

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DISTRICT COURT - SECA

**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 55-13823**

) **(State of Idaho)**

Case No. 39576

)

) **SPECIAL MASTER REPORT**

Findings of Fact

On March 22, 2001, the State of Idaho, Department of Lands, P.O. Box 83720, Boise, Idaho 83720-0050, was granted leave to file a late notice of claim under 55-13823 claiming .2 cfs from springs for year-round stockwater use in Owyhee County with a priority date of February 19, 1923, based on beneficial use. On March 4, 2002, the Director of the Idaho Department of Water Resources filed his *Director's Report for Late & Misc. Claims, Domestic and Stockwater and Irrigation and Other Water Rights*. The Director recommended the claim as filed, but for .09 cfs from Sam Noble Spring and spring.

On April 15, 2002, the State filed an *Objection* objecting to points of diversion. However, on July 17, 2002, the State and IDWR filed an *Amended Claim Standard Form 5* changing the points of diversion and places of use.

Findings of Fact

The State of Idaho is entitled to a partial decree adjudicating a water right under claim 55-13823 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 55-13823*.

DATED August 29, 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

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-13823

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: SAM NOBLE SPRING TRIBUTARY: ROCK CREEK
SPRINGS ROCK CREEK

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 02/19/1923

POINT OF DIVERSION: T09S R02W S22 SWNWSE Within Owyhee County
S23 SESENE
SWNESW
SENWSW
NENESE
NENWSE
S24 SWSWNW
NWNWSW
NWNWSW

TWO POINTS OF DIVERSION LOCATED IN T09S, R02W, S24, NWNWSW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T09S R02W S22	NWSE
	S23	SENE NESW
		NWSW NESE
		NWSE
	S24	SWNW NWSW
		NWNWSW

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.

RECOMMENDATION

AUG 29 2002



SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 55-13823

On August 29, 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 August 29, 2002.


LETTIE MESSICK
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS, 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 55-13823

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 August 29, 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

IDAHO DEPARTMENT OF LANDS
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

[Signature]
LETITIE MESSICK
Deputy Clerk
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