

SEP 30 PM 4:37

FILED
TWIN FALLS CO., IDAHO
SF-SRBA

**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

) **SPECIAL MASTER'S REPORT**

Case No. 39576

) **FOR WATER RIGHT: 33-10911**

I. PROCEDURAL HISTORY

The above-captioned water right was claimed by the United States, Department of Interior, Bureau of Land Management (United States) as a state-based stockwater right.

Following the Idaho Department of Water Resources Director's Report, an Objection was filed by the State of Idaho, and an Objection was filed by the Claimant. On December 11, 2003, a trial was held before the Special Master. On June 16, 2004, a *Standard Form 5/ Amended Claim* signed by the Claimant and the Objectors with IDWR'S concurrence was filed. On June 30, 2004, the Court entered an *Order Rescinding Order of Reference To Special Master Cushman*. The Court will proceed in the above subcase in the same manner described for Special Masters in *Administrative Order 1*. No objections were filed to the *SF5/Amended Claim*.

II. RECOMMENDATION

Therefore, based on the file and record herein and the *Standard Form 5*, IT IS RECOMMENDED that the above-captioned water right be decreed as a state-based water right with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: September 20, 2004


JOHN M. MELANSON
Presiding Judge
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 33-10911

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

SOURCE: BIG SPRING CREEK TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: BIG SPRING 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: T08N R27E S02 NWNWSW (Instream Beginning Point) Within Butte County
SWNWSW (Instream Ending Point)
S11 SWSWSE (Instream Beginning Point)
S25 SESWSE (Instream Ending Point)
R28E S31 LOT 2 (SWSWNW) (Instream Beginning Point)
LOT 2 (SESWNW) (Instream Ending Point)
SWNWSE (Instream Beginning Point)
SWSESE (Instream Ending 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 Butte County
	T08N R27E S02	NWSW
	S11	SWSE
	S14	NWNE
		NENW
		NESW
		SWSE
	S23	NWNE
		SENE
		SESE
	S24	SWSW
	S25	NWNW
		SENE
		SESW
	R28E S31 LOT 2	(SWNW)
		SWSE
		SESE

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).

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 33-10911

On September 30, 2004, Special Master JOHN M MELANSON 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 September 30, 2004.



JULIE MURPHY
Deputy Clerk

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TWIN FALLS, IDAHO
SRBA

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): 33-10911

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 September 30, 2004, 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

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

Julie Murphy
JULIE MURPHY
Deputy Clerk
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