

2005 APR 21 PM 1 04

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 35-09040
Case No. 39576) (USDI/BLM)
_____) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 5 (IDWR Basin 35)* on May 29, 1997. The Director recommended claim 35-09040 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709, for .04 cfs from groundwater for stockwater use from April 21 to July 15 and year-'round wildlife use in Butte County with a priority date of May 28, 1982, based on a license.

The United States filed an *Objection* on September 29, 1997, objecting to point of diversion and place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on January 13, 2005, amending the license to change the point of diversion and place of use. It filed an amended *Notice of Completed Administrative Proceeding* on April 21, 2005. The same date, the United States filed a *Notice of Voluntary Dismissal of Objection* and the Special Master entered an *Order Dismissing Objection*.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right as described in the amended *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 35-09040*.

DATED April 21, 2005.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

James A. Hall

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

DISTRICT COURT-SRBA
FILED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-09040

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

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
6.70 AFY

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

PRIORITY DATE: 05/28/1982

POINT OF DIVERSION: T01N R28E S03 SESW Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Wildlife		01-01 TO 12-31	0.02 CFS
			6.70 AFY
Stockwater		04-21 TO 07-15	0.04 CFS
			6.70 AFY

PLACE OF USE:	Stockwater	Within Butte County
	T01N R26E S01 LOT 2 (SWNE)	LOT 1 (SENE)
	R27E S10 NESE	NWSE
		SESE
	S15 NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
	S22 NENE	NWNE
	SWNE	SENE
	S28 NENE	NWNE
	SWNE	SENE
	S34 NESW	NWSW
	SWSW	SESW
	S35 NESE	NWSE
	SWSE	SESE
	R28E S07 NESE	NWSE
	SWSE	SESE
	S08 NESE	NWSE
	SWSE	SESE
	S10 NESE	NWSE
	SWSE	SESE
	S19 NESE	NWSE
	SWSE	SESE
	S22 NESE	NWSE
	SWSE	SESE
	S29 NESE	NWSE
	SWSE	SESE
	S30 NESE	NWSE
	SWSE	SESE
	S32 NESE	NWSE
	SWSE	SESE
	S34 NESE	NWSE
	SWSE	SESE

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

PLACE OF USE (continued)

T01S R28E S05 LOT 4	(SWNW)	LOT 3	(SENW)
S21	NESE		NWSE
	SWSE		SESE
S22	NENW		NWNW
	SWNW		SENW
	NESW		NWSW
	SWSW		SESW
S24	NESE		NWSE
	SWSE		SESE
S25	NENE		NWNE
	SWNE		SENE
	NESE		NWSE
	SWSE		SESE
S33	NENE		NWNE
	SWNE		SENE
	NESW		NWSW
	SWSW		SESW
S34	NENE		NWNE
	SWNE		SENE
T02S R28E S02	NESE		NWSE
	SWSE		SESE
S14	NENW		NWNW
	SWNW		SENW
Wildlife		Within Butte County	
T01S R28E S02	NESE		
S25	NENE		NWNE
	SWNE		SENE
	NESE		NWSE
	SWSE		SESE
S33	NENE		NWNE
	SWNE		SENE
	NESW		NWSW
	SWSW		SESW
S34	NENE		NWNE
	SWNE		SENE
T02S R28E S02	NWSE		SWSE
	SESE		
S14	NENW		NWNW
	SWNW		SENW

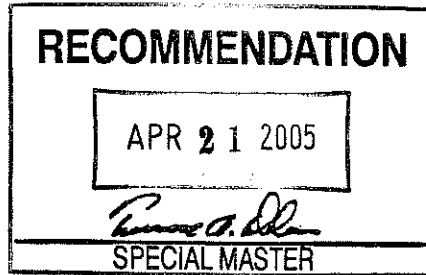
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-09040

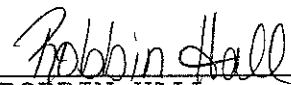
CERTIFICATE OF MAILING

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 April 21, 2005, 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



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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04/21/05

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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

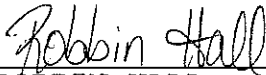
Water Right(s): 35-09040

On April 21, 2005, 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 April 21, 2005.



ROBBIN HALL
Deputy Clerk

