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APR 22 2005

Department of Water Resources
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2005 APR 21 AM 9 38

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

SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

FOR WATER RIGHT 55-13667

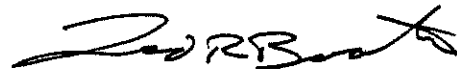
I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned 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. The *Director's Report* contained a recommendation or abstract for the elements of this water right. This water right was claimed by the United States of America, Bureau of Land Management, based upon state-law¹, and as a federal reserve water right pursuant to Public Water Reserve 107. On April 18, 2005, a hearing was held pursuant to I.C. § 42-1411A(12) regarding the federal reserve basis of the claim. At the hearing, this Special Master considered the *Affidavit of Fredric W. Price*, filed on February 16, 2005, which demonstrates that the above-captioned water right claim meets the elements of a valid federal reserve water right pursuant to PWR-107.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the information contained in the *Affidavit of Fredric W. Price*, and upon the comments of counsel at the hearing, IT IS RECOMMENDED that water right 55-13667 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 21, 2005.



THEODORE R BOOTH

Special Master

Snake River Basin Adjudication

¹ The state-law portion of this claim has been decreed as disallowed under water right number 55-12464.

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 *DF*

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 55-13667

2005 APR 21 AM 9 38

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

SOURCE: SPRING TRIBUTARY: JORDAN CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/17/1926

* 4/17/1926 DECREED FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS DECREED BASED ON FEDERAL LAW WITH *
* AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *

POINT OF DIVERSION: T05S R03W S06 NESENW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

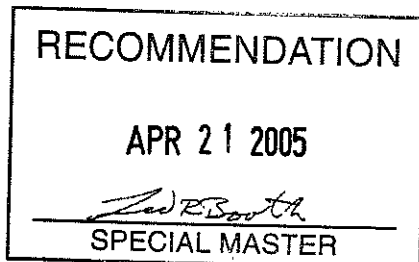
PLACE OF USE: Stockwater Within Owyhee County
T05S R03W S06 SENW

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

BLM RECORD ID = 5501582513
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

2005 APR 21 AM 9 38

In Re SRBA)
)
Case No. 39576)
)

Water Right(s) : 55-13667

DEBBIE LASH
Deputy Clerk

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In Re SRBA)
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Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 55-13667

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.

Debbie Lash
DEBBIE LASH
Deputy Clerk