

5-10245A

Triangle Flat 7.5 Min. Quad

1075 R03W

BLM Land included in claim

Triangle  
Flat

BLM

30

5-102458

Triangle Flat 7.5 Min. Quad

1075 103W

BLM Land included in claim

Triangle  
Flat

BL 19

30

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 55-10245B

REC-5 91 1:34  
DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

NAME AND ADDRESS: UNITED STATES OF AMERICA  
U.S.D.I. BLM  
IDAHO STATE OFFICE  
1387 SOUTH VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: TRIANGLE CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1874

POINT OF DIVERSION: T07S R03W S19 SESWE (Instream Beginning Point) Within Owyhee County  
S30 NWNWE (Instream Ending Point)  
SENENW (Instream Beginning Point)  
NENENW (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

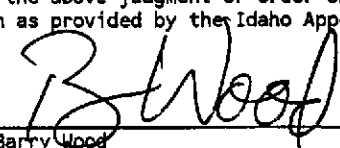
| PLACE OF USE: | Stockwater    |      | Within Owyhee County |
|---------------|---------------|------|----------------------|
|               | T07S R03W S19 | NWNE | SWNE                 |
|               |               | NESE | NWSE                 |
|               |               | SWSE |                      |
|               | S30           | NENW |                      |

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.

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.

  
Barry Wood  
Administrative District Judge  
Interim Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

MAR 09 1999

Department of Water Resources

1999 MAR -5 PM 1:34  
DISTRICT COURT - SRBA  
TWIN FALLS CO, 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

) ORDER OF PARTIAL DECREE

Case No. 39576

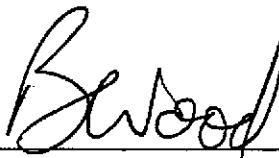
) For Water Right 55-10245B  
)  
)  
)

On January 11, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order I*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-10245B is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 5, 1999.



BARRY WOOD  
Administrative District Judge  
Interim Presiding Judge of the  
Snake River Basin Adjudication

1999 MAR 05 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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): 55-10245B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-10245B was mailed  
on March 05, 1999, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
03/05/99

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 No. 55-10245  
)  
)

Case No. 39576

) Standard Form 5  
)  
)

) STIPULATED ELEMENTS  
) OF A WATER RIGHT  
)  
)

\_\_\_\_\_

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**

Miller Land Co., Inc.

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

John W. Miller 12-14-98  
Pres. Date

Paul F. Holleman 12/9/98  
Date  
Paul F. Holleman  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

**IDWR CONCURRENCE:**

Roxanne Brown 12/18/98  
Date

**IDWR CONCURRENCE:**

Susan Clark 12/18/98  
Date

## CERTIFICATE OF MAILING

I hereby certify that on 12-31, 1998 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

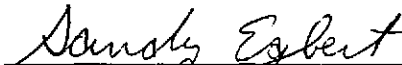
2. Copies to:

Clive Strong, Chief Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

U.S. Dept. of Justice  
Environment & Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, ID 83724

Richard L. Harris, Esq.  
1023 Arthur  
Caldwell, ID 83605

Miller Land Co., Inc.  
2124C Hwy 45  
Melba, ID 83641

  
\_\_\_\_\_  
Signature of person mailing this form

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~55-10245~~ 55-10245A

Name and Address: MILLER LAND CO INC  
2124C HWY 45  
MELBA, ID 83641

Source: SPRING  
TRIANGLE CREEK

Tributary: TRIANGLE CREEK  
ROCK CREEK

Quantity: .02 CFS

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

Priority Date: 05-20-1871

Diversion Point: T07S R03W S30 SWSSENW  
S19 SEGWSE (Instream Beginning Point)  
S30 SWSSENW (Instream Beginning Point)  
S19 LOT 1 (NWNW) (Instream Ending Point)  
S30 SENENW (Instream Ending Point)  
S30 NESENW (Instream Ending Point)  
Within Owyhee County

~~TWO POINTS OF DIVERSION LOCATED IN T07S, R03W, S30, SWSSENW.~~

| Purpose and<br>Period of Use: | Purpose of Use             | Period of Use        | Quantity |
|-------------------------------|----------------------------|----------------------|----------|
|                               | Stockwater                 | 01-01 TO 12-31       | .02 CFS  |
| Place of Use:                 | Stockwater                 | Within Owyhee County |          |
|                               | T07S R03W S19 LOT 1 (NWNW) | LOT 2 (SWNW)         |          |
|                               | NEGW                       | LOT 3 (NWSW)         |          |
|                               | SEGW                       |                      |          |
|                               | S19 NWNW                   | SWNE                 |          |
|                               | NESE                       | NWSE                 |          |
|                               | SWSE                       |                      |          |
|                               | S30 NENW                   | SENW                 |          |

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

~~BLM ALLOTMENT NO. WEST ANTELOPE 0574~~

PARCEL NO. 07S03W301200  
STOCKWATER, 500 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~55-10245~~ 55-10245B

Name and Address: ~~MILLER LAND CO INC~~  
~~2124C HWY 45~~  
~~MELBA, ID 83641~~

UNITED STATES OF AMERICA ACTING THROUGH  
U.S.D.I., BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 SOUTH VINNELL WAY  
BOISE, ID 83709-1657

Source: ~~SPRING~~  
TRIANGLE CREEK

Tributary: ~~TRIANGLE CREEK~~  
ROCK CREEK

Quantity: .02 CFS

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

Priority Date: ~~05-20-1871~~ 01-01-1874

|                  |      |      |                |                           |                                       |
|------------------|------|------|----------------|---------------------------|---------------------------------------|
| Diversion Point: | T07S | R03W | <del>S30</del> | <del>SWSENW</del>         |                                       |
|                  |      |      | S19            | SESWSE                    | (Instream Beginning Point)            |
|                  |      |      | <u>S30</u>     | <u>SENENW</u>             | <u>(Instream Beginning Point)</u>     |
|                  |      |      | <del>S30</del> | <del>SWSENW</del>         | <del>(Instream Beginning Point)</del> |
|                  |      |      | <del>S10</del> | <del>LOT 1 (NWNWNW)</del> | <del>(Instream Ending Point)</del>    |
|                  |      |      | <u>S19</u>     | <u>NWNWNE</u>             | <u>(Instream Ending Point)</u>        |
|                  |      |      | <del>S30</del> | <del>SENENW</del>         | <del>(Instream Ending Point)</del>    |
|                  |      |      | <u>S30</u>     | <u>NENENW</u>             | <u>(Instream Ending Point)</u>        |

Within Owyhee County

~~TWO POINTS OF DIVERSION LOCATED IN T07S, R03W, S30, SWSENW.~~

Purpose and

| Period of Use: | Purpose of Use | Period of Use  | Quantity |
|----------------|----------------|----------------|----------|
|                | Stockwater     | 01-01 TO 12-31 | .02 CFS  |

|               |                          |                         |
|---------------|--------------------------|-------------------------|
| Place of Use: | Stockwater               | Within Owyhee County    |
|               | T07S R03W <del>S10</del> | <del>LOT 1 (NWNW)</del> |
|               |                          | <del>LOT 2 (SWNW)</del> |
|               |                          | <del>LOT 3 (NWSW)</del> |
|               |                          | NESW                    |
|               |                          | SESW                    |
|               | S19                      | NWNE                    |
|               |                          | SWNE                    |
|               |                          | NESE                    |
|               |                          | NWSE                    |
|               |                          | SWSE                    |
|               | S30                      | NENW                    |
|               |                          | SENW                    |

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

~~BLM ALLOTMENT NO. WEST ANTELOPE 0574~~

~~PARCEL NO. 07S03W301200~~

~~STOCKWATER, 500 RANGE CATTLE~~

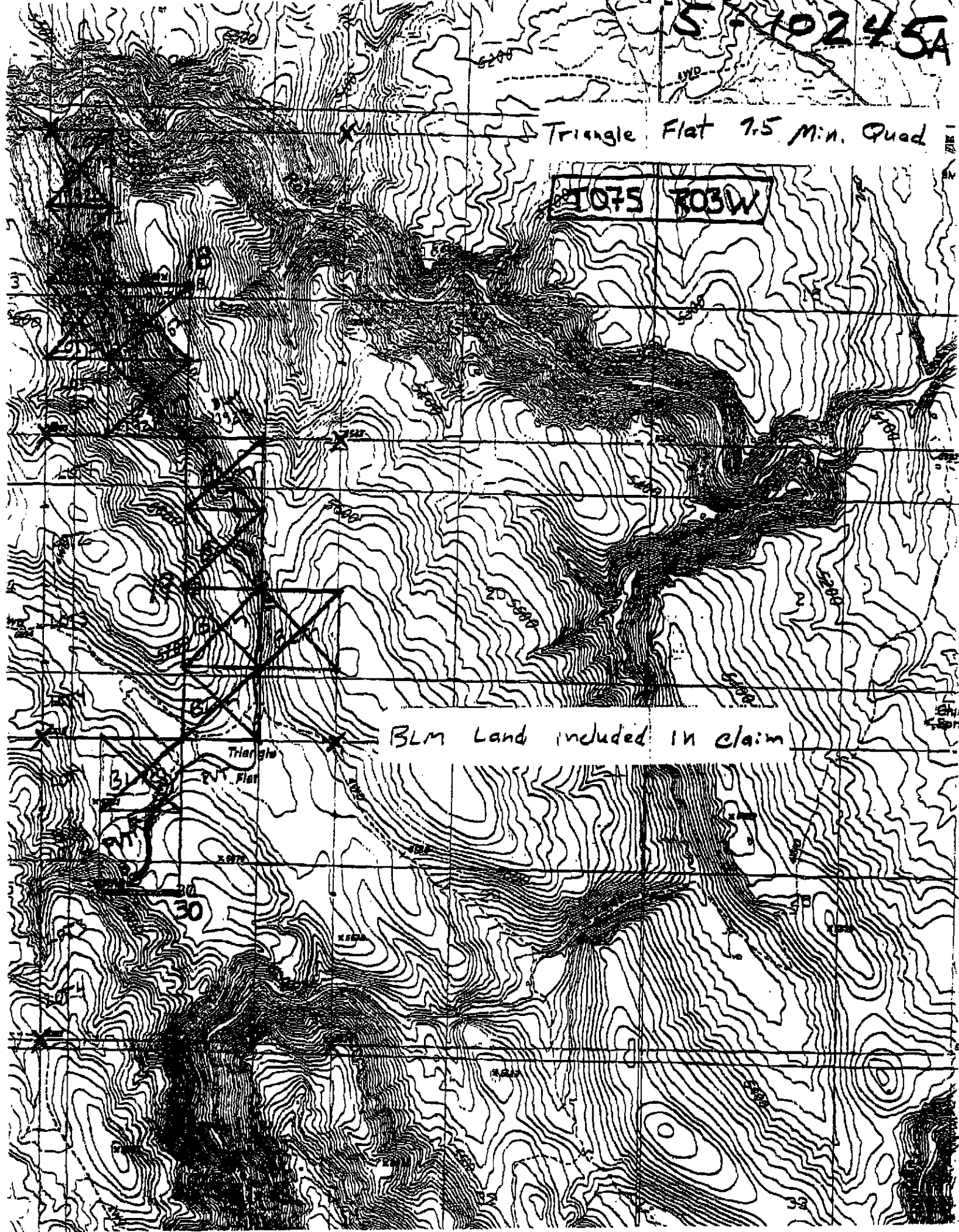
5-10245A

Triangle Flat 7.5 Min. Quad

T107S R03W

BLM Land included in claim

Triangle  
Flat



S. 10245

Triangle Flat 7.5 Min. Quad

T075 R03W

BLM Land included in claim

