

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

2006 JAN 13 PM 12 06

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE **RECEIVED**
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS **JAN 17 2006**

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)

Case No. 39576)

SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW

FOR WATER RIGHT: 25-13956

I. FINDINGS OF FACT

A notice of claim was filed for this 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 for the elements of this water right.

An *Objection* was filed by the United States Bureau of Land Management on June 22, 2005. The *Objection* was resolved on November 7, 2005 with the filing of a *Standard Form 5 / Amended Claim*. All parties to the subcase and IDWR are signatories to the *Standard Form 5 / Amended Claim*. The *Standard Form 5/Amended Claim* was placed on the Docket Sheet. No objections were filed and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: January 13, 2006.


BRIGETTE BILYEU, 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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 25-13956

NAME AND ADDRESS: HENRY CREEK RANCH
C/O KARLA W BURTENSHAW
1235 N 55 E
IDAHO FALLS, ID 83401

SOURCE: HENRY CREEK TRIBUTARY: SAND CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 02/25/1922

POINT OF DIVERSION: T01N R39E S30 LOT 4 (NWSWSW) (Instream Ending Point) Within Bonneville County
NWSWSW (Instream Beginning Point)
S31 NESENE (Instream Ending Point)
S32 SWSWSW (Instream Beginning Point)
T01S R39E S04 SENWSW (Instream Beginning Point)
NWNWSW (Instream Ending Point)
NWSESW (Instream Ending Point)
S09 SENESE (Instream Beginning Point)

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

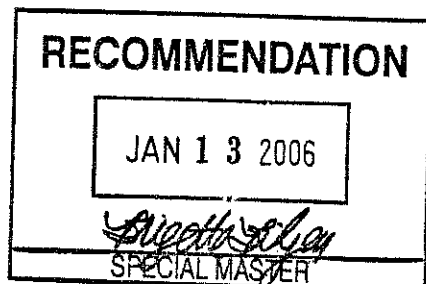
Stockwater use is for 200 range cattle.

PLACE OF USE: Stockwater Within Bingham County
T01N R39E S30 LOT 4 (SWSW) SESW
S31 SENE
S32 SWNW NWSW
SWSW
T01S R39E S04 NWSW SESW
SWSE SESE
S09 NENE SENE
NESE

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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

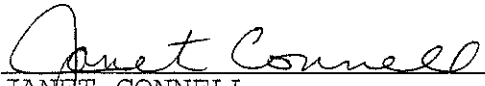
Water Right(s): 25-13956

On January 13, 2006, Special Master BRIGETTE BILYEU 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 January 13, 2006.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
Case No. 39576)
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CERTIFICATE OF MAILING

Water Right(s): 25-13956

CERTIFICATE OF MAILING

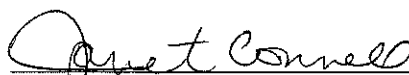
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 13, 2006, with sufficient first-class postage prepaid to the following:

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

HENRY CREEK RANCH
C/O KARLA W BURTENSHAW
1235 N 55 E
IDAHO FALLS, ID 83401
Phone: 208-522-1151

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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01/13/06