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JAN 25 2006
DEPARTMENT OF
WATER RESOURCES

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

2006 JAN 23 PM 2 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	)	Subcase 45-7340B
	)	(USDI/BLM)
Case No. 39576	)	
	)	ORDER VACATING STAY AND
_____	)	SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 10 (IDWR Basin 45)* on March 2, 1998. The Director recommended that claim 45-7340B be disallowed: "Claim incomplete." The United States filed an *Objection* on July 2, 1998, alleging the water right should have been recommended as stated.

The Special Master entered an *Order Staying Subcase Pending Reporting of Irrigation Claims* in subcase 45-7340B on June 16, 1999, because the claim is for a licensed water right for irrigation and the claim should have been reported with irrigation and other claims for Basin 45. On November 26, 2002, IDWR filed a *Notice of Withdrawal of Director's Report* for claim 45-7340B because the "claim was incorrectly recommended in the Director's Report for Domestic and Stockwater rights, when, in fact, it represents non de minimus [*sic*] use."

The Director filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. This time, the Director recommended 45-7340B to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657 for .97 cfs from groundwater to irrigate 80 acres in Cassia County from March 15 to November 15 with a priority date of February 2, 1978, based on a license. No one objected to the Director's September 7, 2004 recommendation.

Order

THEREFORE, IT IS ORDERED that the June 16, 1999 *Order Staying Subcase* is **vacated**.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right under claim 45-7340B as recommended by the Director on September 7, 2004, and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 45-7340B*.

DATED January 23, 2006.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 45-07340B

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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): 45-07340B

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 23, 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



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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2006 JAN 23 PM 2 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

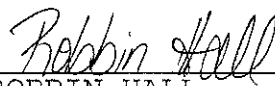
Water Right(s): 45-07340B

On January 23, 2006, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 23, 2006.



ROBBIN HALL
Deputy Clerk