

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

AMENDED

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

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 47-16110

2006 FEB 10 AM 9 06

NAME AND ADDRESS: USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17,  
1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED  
THAT SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107

POINT OF DIVERSION: T12S R18E S22 SESWNE Within Twin Falls County

| 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 Twin Falls County  
T12S R18E S22 SWNE

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, IDAHO  
FILED DL  
2006 FEB 10 AM 9 05

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     | ) | SPECIAL MASTER'S REPORT         |
|                | ) |                                 |
| Case No. 39576 | ) | FINDINGS OF FACT AND            |
|                | ) | CONCLUSIONS OF LAW              |
|                | ) |                                 |
|                | ) | FOR WATER RIGHTS: List Attached |
|                | ) |                                 |

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I. FINDINGS OF FACT

*Partial Decrees* were issued for the above-captioned water rights on July 9, 1999. Thereafter, it came to the attention of the SRBA Court that each of these *Partial Decrees* contained a clerical error regarding the basis of the claim. Accordingly, the SRBA District Court entered an order setting aside the *Partial Decrees* and referring the matter to this Special Master for further proceedings.

On February 7, 2006, a hearing was held pursuant to Idaho Code § 42-1411A(12) regarding the federal reserve basis of the water rights. In connection therewith, the United States filed the *Affidavit of Fredric W. Price*. Based upon the contents of that *Affidavit*, and based upon the comments of counsel at the hearing, this Special Master finds that the above-captioned water right claims meet the elements of valid federal reserve water rights pursuant to Public Water Reserve 107.

## II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that amended partial decrees be issued for the above-captioned water rights with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated February 9, 2006

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

47-16040  
47-16050  
47-16060  
47-16066  
47-16072  
47-16076  
47-16090  
47-16102  
47-16110  
47-16126  
47-16139  
47-16143  
47-16146  
47-16316  
47-16483  
47-16485  
47-16487  
47-16489  
47-16491  
47-16497  
47-16499  
47-16501  
47-16503  
47-16505  
47-16514  
47-16532  
47-16626

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

Case No. 39576

CERTIFICATE OF MAILING

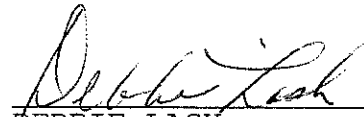
Water Right(s): 47-16040  
(SEE ATTACHED EXHIBIT A)

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 February 10, 2006, 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

  
DEBBIE LASH  
Deputy Clerk

CERTIFICATE OF MAILING

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2006 FEB 10 AM 9 07

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(SEE ATTACHED EXHIBIT A)

  
DEBBIE LASH  
Deputy Clerk