

2006 JUN 15 PM 4:02

FILED
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	)	Subcases 43-7207, 43-7267, 43-7273
	)	and 43-7284
	)	(USDI/BLM)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 7 (IDWR Basin 43)* on March 2, 1998. The Director recommended that claims 43-7207 and 43-7267 be disallowed. The Director recommended claim 43-7273 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 .01 cfs from a spring for year-'round stockwater and wildlife uses in Cassia County with a priority date of March 13, 1986, based on a license. The Director recommended claim 43-7284 to the USDI/BLM for .01 cfs from a spring for year-'round wildlife use and for stockwater use in Cassia County from April 1 to December 5 with a priority date of May 22, 1987, based on a license.

The USDI/BLM filed *Objections* on July 2, 1998, in subcases 43-7207 and 43-7267 objecting to the claims not being recommended. It filed *Objections* in subcases 43-7273 and 43-7284 on July 2, 1998, objecting to points of diversion and place of use.

IDWR filed a *Notice of Completed Administrative Proceeding* in all four subcases on June 14, 2006, to amend the licenses with the following recommendations:

43-7207 – 2.1 afy from George Creek for year-'round stockwater and wildlife storage, for wildlife from storage from March 15 to November 15 and for stockwater from storage from April 4 to December 31 with a priority date of February 1, 1985.

43-7267 – .02 cfs from a spring for year-'round wildlife use and for stockwater use from May 1 to November 25 with a priority date of March 13, 1986.

43-7273 – .01 cfs from a spring for year-'round stockwater and wildlife uses.

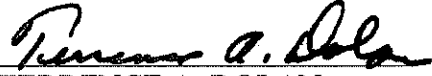
43-7284 – .01 cfs from a spring for year-'round wildlife use and for stockwater use from April 1 to December 31.

A status conference was held by telephone on June 15, 2006. Larry A. Brown appeared for the USDI/BLM, along with Fredric W. Price and Candice M. McHugh appeared for IDWR. The USDI/BLM moved to withdraw its *Objections* in all four subcases based on the *NCAP* and its motion was granted.

Conclusions of Law

The United States of America, Department of Interior, Bureau of Land Management is entitled to partial decrees adjudicating water rights for claims 43-7207, 43-7267, 43-7273 and 43-7284 as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decrees for Water Rights 43-7207, 43-7267, 43-7273 and 43-7284*.

DATED June 15, 2006.


TERRENCE A. DOLAN
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 43-07207

2006 JUN 15 PM 4:04
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GEORGE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 2.10 AFY

THIS RIGHT, WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON TO THE
SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF WATER
BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

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

PRIORITY DATE: 02/01/1985

POINT OF DIVERSION: T16S R25E S21 NESESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	2.00 AFY
	Stockwater from Storage	04-04 TO 12-31	2.00 AFY
	Wildlife Storage	01-01 TO 12-31	0.10 AFY
	Wildlife from Storage	03-15 TO 11-15	0.10 AFY

PLACE OF USE:	Stockwater Storage		Within Cassia County
	T16S R25E S21	NESW	SESW
	Stockwater from Storage		Within Cassia County
	T16S R25E S21	NESW	SESW
	Wildlife Storage		Within Cassia County
	T16S R25E S21	NESW	SESW
	Wildlife from Storage		Within Cassia County
	T16S R25E S21	NESW	SESW

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.

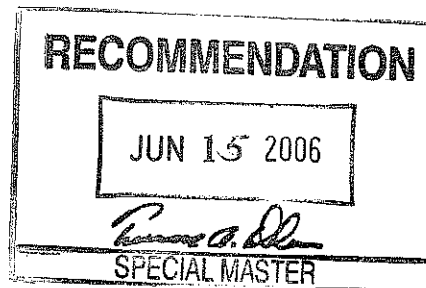
USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 43B.

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



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-07267

2006 JUN 15 PM 4:04

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
4.10 AFY

THIS RIGHT WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON TO THE
SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF WATER
BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

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

PRIORITY DATE: 03/13/1986

POINT OF DIVERSION: T13S R25E S35 SESESW Within Cassia County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-25	0.02 CFS
			4.10 AFY
	Wildlife	01-01 TO 12-31	0.01 CFS
			4.10 AFY

PLACE OF USE: Stockwater Within Cassia County
T13S R25E S35 SESW

Wildlife Within Cassia County
T13S R25E S35 SESW

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

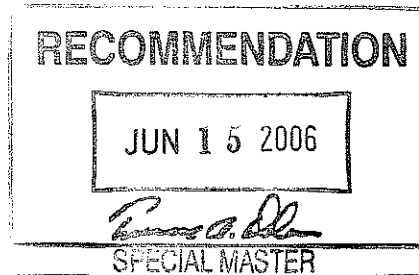
SOURCE KNOWN LOCALLY AS NORTH CHOKECHERRY SPRING.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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).

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John M. Melanson
Presiding Judge of the
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-07273

2006 JUN 15 PM 4:04

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS
7.20 AFY

THIS RIGHT, WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON TO THE
SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF WATER
BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 03/13/1986

POINT OF DIVERSION: T12S R26E S18 SWSSEW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.01 CFS 7.20 AFY
	Wildlife	01-01 TO 12-31	0.01 CFS 7.20 AFY

PLACE OF USE:	Stockwater	Within Cassia County
	T12S R26E S18 SESW	
	Wildlife	Within Cassia County
	Same as Stockwater	

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.

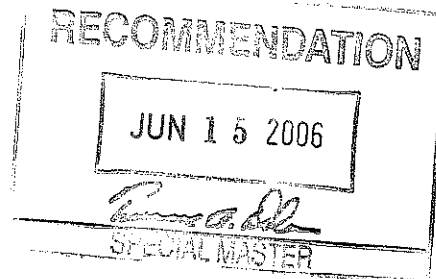
SOURCE KNOW LOCALLY AS TWE SPRING.

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).

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John M. Melanson
Presiding Judge of the
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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-07284

2006 JUN 15 PM 4:05

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS
5.00 AFY

THIS RIGHT, WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON TO
THE SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF WATER
BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 05/22/1987

POINT OF DIVERSION: T14S R25E S27 NESESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 12-05	0.01 CFS 4.20 AFY
	Wildlife	01-01 TO 12-31	0.01 CFS 0.80 AFY

PLACE OF USE:	Stockwater	Within Cassia County
	T14S R25E S27	SESW
	Wildlife	Within Cassia County
	Same as Stockwater	

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

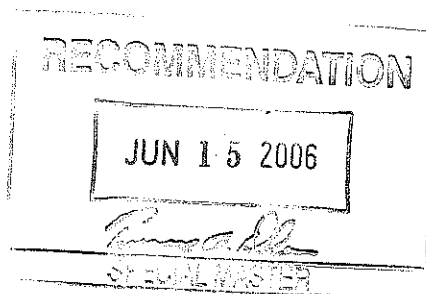
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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DEPARTMENT OF
WATER RESOURCES

2006 JUN 15 PM 4:03

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)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

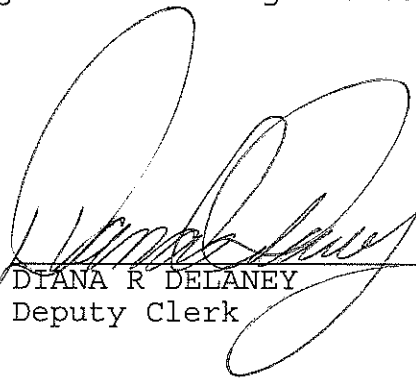
Water Right(s): 43-07207
43-07267 43-07273 43-07284

On June 15, 2006, Special Master TERRENCE A. DOLAN 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 June 15, 2006.



DIANA R. DELANEY
Deputy Clerk

2006 JUN 15 PM 4:05
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)
_____)

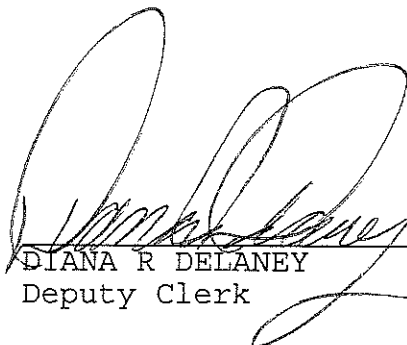
Water Right(s): 43-07207
43-07267 43-07273 43-07284

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 June 15, 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



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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06/15/06