

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

2007 APR -3 AM 10:49

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 45-14047

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
18.90 AFY

Use of the rights listed below is limited to a total combined
diversion rate of 0.59 cfs and to a total combined annual
diversion volume of 151.0 af. Combined right nos. 45-14045,
45-14047, 45-14049, 45-14051, 45-14053.

PRIORITY DATE: 04/24/1958

POINT OF DIVERSION: T13S R22E S11 NWSWSW Within Cassia County
S15 SWSWNW
SWSENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.04 CFS
			18.90 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R22E S11	NWSW 17.0
	48.0 Acres Total	NWSE 31.0

Use of this right with right no. 45-14051 is limited to the
irrigation of a combined total of 20 acres in a single irrigation
season.
Use of the rights listed below is limited to the irrigation of a
combined total of 48 acres in a single irrigation season.
Combined right nos: 45-14045, 45-14047, 45-14049, 45-14051,
45-14053.

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

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.

RECOMMENDATION

APR 3 2007

Thomas A. Bell

SPECIAL MASTER

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

RECEIVED

APR 05 2007

DEPARTMENT OF
WATER RESOURCES

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TWIN FALLS CO., IDAHO
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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	)	Subcases
	)	(45-2293) 45-14044 & 45-14045
Case No. 39576	)	(45-2350) 45-14046 & 45-14047
	)	(45-2525) 45-14048 & 45-14049
	)	(45-2627) 45-14050 & 45-14051
	)	(45-12890) 45-14052 & 45-14053
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45, Part 1* on September 7, 2004. The Director recommended claims 45-2293, 45-2350, 45-2525, 45-2627 and 45-12890 to Keith P. Critchfield 1896 S. Highway 27, Oakley, Idaho, 83346, for between .62 cfs and 4.56 cfs from groundwater for year-'round domestic use and to irrigate 769 acres in Cassia County from March 15 to November 15 with priority dates between January 15, 1949, and June 30, 1985, based on licenses and beneficial use.

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, filed *Objections* on January 7, 2005, objecting to priority date and place of use.

Mr. Critchfield and the United States filed a *Stipulation to Resolve Objections* in subcases 45-2293, 45-2350, 45-2525, 45-2627 and 45-12890 on March 28, 2007, agreeing to split each claim into two new claims with separate ownership and disallow the original five claims. The same date, the parties, with IDWR's concurrence, filed *Standard Forms 5's* describing the splits:

<u>Original Claim</u>	<u>Critchfield</u>	<u>USDI / BLM</u>
45-2293	45-14044	45-14045
45-2350	45-14046	45-14047
45-2525	45-14048	45-14049
45-2627	45-14050	45-14051
45-12890	45-14052	45-14053

Conclusions of Law

1. Mr. Critchfield and the United States are entitled to partial decrees adjudicating water rights for the new split rights as described in the *Stipulation*, the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-14044, 45-14045, 45-14046, 45-14047, 45-14048, 45-14049, 45-14050, 45-14051, 45-14052 and 45-14053*; and
2. The parties are **not** entitled to partial decrees for claims 45-2293, 45-2350, 45-2525, 45-2627 and 45-12890, the claims having been split into new rights.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 45-2293, 45-2350, 45-2525, 45-2627 and 45-12890 be **disallowed**.

DATED April 3, 2007



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Exhibit A

Subcase Nos:

45-02293
45-02350
45-02525
45-02627
45-12890
45-14044
45-14045
45-14046
45-14047
45-14048
45-14049
45-14050
45-14051
45-14052
45-14053

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 45-02293
(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 April 03, 2007, 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

KEITH P CRITCHFIELD
1896 S HWY 27
OAKLEY, ID 83346
Phone: 208-862-3687

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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04/03/07

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 45-02293
(SEE ATTACHED EXHIBIT A)

On April 03, 2007, 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 April 03, 2007.



ROBBIN HALL
Deputy Clerk