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DEPARTMENT OF  
WATER RESOURCES

2007 APR -4 AM 9: 23

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     | ) | 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  |
|                | ) |                                 |
|                | ) | AMENDED SPECIAL MASTER REPORT   |
|                | ) | AND RECOMMENDATION <sup>1</sup> |

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**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

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<sup>1</sup> This *Amended Special Master Report and Recommendation* is entered solely to amend the subcase 45-14044 portion of the April 3, 2007 *Special Master Report and Recommendation*. See following text for details.

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          |

A *Special Master Report and Recommendation* was entered on April 3, 2007. IDWR contacted the Court the following day to advise there was a typographical error in the *SF-5* for subcase 45-14044 (Critchfield); hence the quantity element in the attached *Special Master Recommendation for Partial Decree for Water Right 45-14044* should have been 3 cfs, **not** 2.96. There were no other errors. The attached *Amended Special Master Recommendation for Partial Decree for Water Right 45-14044* corrects the error. The April 3, 2007 *Special Master Report and Recommendation* remains unchanged in all other respects.

#### 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, SF-5's* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 45-14044*; 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 4, 2007.

  
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  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 45-14044

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: KEITH P CRITCHFIELD  
1896 S HWY 27  
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 3.00 CFS  
600.00 AFY

Use of the rights listed below is limited to a total combined  
diversion rate of 8.94 cfs and to a total combined annual  
diversion volume of 2268.7 af. Combined right nos. 45-14044,  
45-14046, 45-14048, 45-14050, 45-14052.

PRIORITY DATE: 01/15/1949

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS   |
|                               | Irrigation     | 03-15 TO 11-15 | 2.96 CFS   |
|                               |                |                | 600.00 AFY |

| PLACE OF USE: | Irrigation        | Within Cassia County                                                                                                                       |
|---------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
|               | T13S R22E S10     | SWNE 27.0<br>SESW 32.0<br>NWSE 32.0<br>SESE 9.0                                                                                            |
|               | S11               | SWNE 27.0<br>SESW 2.0<br>SWSW 6.0<br>SWSE 24.0                                                                                             |
|               | S14               | NWNW 35.0                                                                                                                                  |
|               | S15               | NENE 34.0<br>SWNE 40.0<br>NENW 40.0<br>SWNW 40.0                                                                                           |
|               |                   | SENE 39.0<br>NESE 40.0<br>SWSE 30.0<br>SWNW 7.0<br>NESW 37.0<br>SESW 37.0<br>SWNW 35.0<br>NWNE 35.0<br>SENE 33.0<br>NWNW 40.0<br>SENE 40.0 |
|               | 721.0 Acres Total |                                                                                                                                            |

| Domestic      | Within Cassia County |
|---------------|----------------------|
| T13S R22E S15 | SWNW                 |

Use of the rights listed below is limited to the irrigation of a  
combined total of 721 acres in a single irrigation season.  
Combined right nos: 45-14044, 45-14046, 45-14048, 45-14050,  
45-14052.

This right is limited to the irrigation of 150 acres within the  
place of use described above in a single irrigation season.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

AMENDED

RECOMMENDATION

APR 4 2007

*Thomas A. Deane*  
SPECIAL MASTER

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

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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): 45-02293  
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

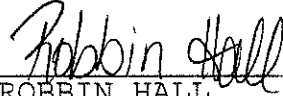
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 04, 2007, with sufficient first-class postage prepaid to the following:

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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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  
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45-14051  
45-14052  
45-14053

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

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

On April 04, 2007, 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 April 04, 2007.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

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