

2007 NOV 14 PM 3 12

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 79-14159 and
	)	79-14169

I. FINDINGS OF FACT

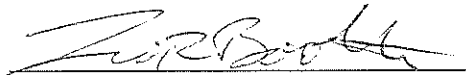
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 13, 2007, the United States of America, Department of Interior, Bureau of Land Management, filed objections to the *Director's Report*. On November 6, 2007, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 79-14159 and 79-14169 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov 14, 2007


Theodore R. Booth
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 NOV 14 PM 3 12

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 79-14159

NAME AND ADDRESS: FLYING U RANCH
DELOS ROBBINS
PO BOX 17004
MISSOULA, MT 59808

SOURCE: UNNAMED STREAM TRIBUTARY: WOLF CREEK
WOLF CREEK TRIBUTARY: SNAKE RIVER
GILLESPIE GULCH TRIBUTARY: GIBBONS CANYON
DEWEY GULCH TRIBUTARY: GIBBONS CANYON
GIBBONS CANYON TRIBUTARY: WOLF CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION: T29N R01W S06 LOT 5 (SNNW) (Instream Beginning Point) Within Idaho County
LOT 2 (NWNW) (Instream Beginning Point)
S07 NWSE (Instream Ending Point)
SWSE (Instream Ending Point)
S08 NWSW (Instream Ending Point)
NWNW (Instream Beginning Point)
NWSE (Instream Ending Point)
NWSE (Instream Ending Point)
NWSW (Instream Beginning Point)
NWSE (Instream Ending Point)
S09 NENW (Instream Beginning Point)
S17 NENE (Instream Beginning Point)
S18 NENW (Instream Beginning Point)
NENW (Instream Ending Point)
SENW (Instream Beginning Point)
R02W S24 SWSE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Idaho County
	T29N R01W S05	SNNW NESW NWSW SESW
	S06 LOT 1	(NENE) LOT 2 (NWNW) SENE LOT 5 (SNNW)
	LOT 6	(NWSW) LOT 7 (SWSW) SESW
	S07	SWNE NENW SENW NESE NWSE SWSE
	S08	NWNW SWNE NENW NWNW SNNW NWSW NESE NWSE SWSE SESE
	S09	NENW NWNW SNNW NWSW
	S17	NENE
	S18	NENW SENW

PLACE OF USE (continued)

	NESW	LOT 3	(NWSW)
	SESW		
S19	NWNE		SWNE
	NENW		SENE
	NESW	LOT 4	(SWSW)
	SESW		NWSE
R02W S13	SENE		NESE
S24	SWSE		SESE

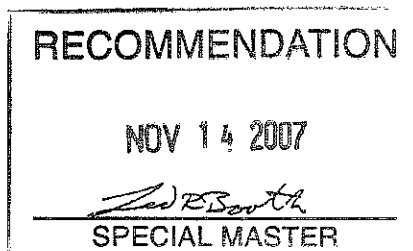
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

2007 NOV 14 PM 3 12

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 79-14169

NAME AND ADDRESS: FLYING U RANCH
DELOS ROBBINS
PO BOX 17004
MISSOULA, MT 59808

SOURCE: UNNAMED STREAM TRIBUTARY: RICE CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION: T29N R01W S02 LOT 1 (SWNE) (Instream Ending Point) Within Idaho County
SWNE (Instream Ending Point)
LOT 4 (NWNW) (Instream Beginning Point)
LOT 2 (NWNE) (Instream Ending Point)
S03 SWNW (Instream Beginning Point)
SWSE (Instream Beginning Point)
SWNW (Instream Beginning Point)
NWSW (Instream Beginning Point)
SWNE (Instream Ending Point)

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Idaho County
	T29N R01W S02 LOT 1 (NENE)	LOT 2 (NWNE)
	SWNE	SENE
	LOT 3 (NENW)	LOT 4 (NWNW)
	SWNW	SENW
	NESW	NWSW
S03	SWNE	SWNW
	SENW	NESW
	NWSW	SESW
	NESE	NWSE
	SWSE	
S10	NENW	

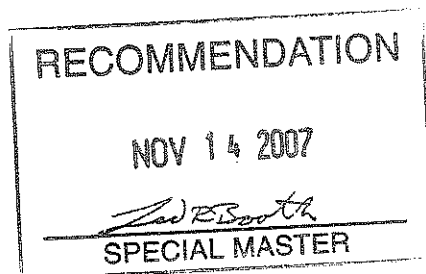
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 CO. IDAHO
FILED _____

2007 NOV 14 PM 3 12

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

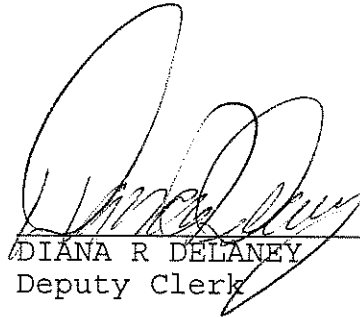
Water Right(s): 79-14159
79-14169

On November 14, 2007, Special Master THEODORE R. BOOTH 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 November 14, 2007.



DIANA R DELANEY
Deputy Clerk

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

2007 NOV 14 PM 3 12

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): 79-14159
79-14169

CERTIFICATE OF MAILING

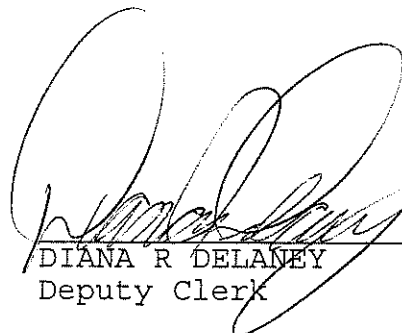
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 14, 2007, with sufficient first-class postage prepaid to the following:

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

FLYING U RANCH
DELOS ROBBINS
PO BOX 17004
MISSOULA, MT 59808
Phone: 406-549-1466

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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11/14/07