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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 31 2008                                                                             |              |
| By <u>JS</u>                                                                            | Clerk        |
|                                                                                         | Deputy Clerk |

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     | ) Subcase 75-14410      |
|                | ) (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, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claim 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 .02 cfs from a spring for year-'round stockwater use in Lemhi County with a priority date of June 28, 1934, based on beneficial use. The Director added the following language under priority date:

4 / 17 / 1926 Claimed under federal reserved water right.  
This water right is also claimed based on federal law with an April 17, 1926, date of priority pursuant to an Executive Order signed the same date and known as Public Water Reserve 107.

On October 16, 2007, the United States filed an *Objection* to quantity. On November 29, 2007, the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to eliminate a remark under priority date.

On January 31, 2008, an I.C. § 42-1411A evidentiary hearing was held by telephone and the United States offered the *Affidavit of Fredric W. Price*. R. Lee Leininger appeared for the United States, along with Mr. Price.

In his *Affidavit*, Mr. Price, a water rights specialist in the BLM state office, stated: the federal law basis of the claim is Executive Order, dated April 17, 1926, and known as Public Water Reserve 107; the claim is located on unreserved federal public domain as of

April 17, 1926; the lands currently remain under U.S. Department of Interior administration; the claimed water source was confirmed by field investigation; there is sufficient surface water at the claimed site for consumptive use by livestock; and the source is a spring or waterhole located at the claimed point of diversion and place of use described in the *SF-5*.

#### **Conclusions of Law**

The United States is entitled to a partial decree adjudicating a federal reserved water right with a priority date of April 17, 1926, as described in the *SF-5*, Mr. Price's *Affidavit* and the attached *Special Master Recommendation for Partial Decree for Federal Reserved Water Right 75-14410*.

DATED January 31, 2008.



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 75-14410

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

SOURCE: SPRING TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

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

POINT OF DIVERSION: T18N R21E S29 SENWNE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

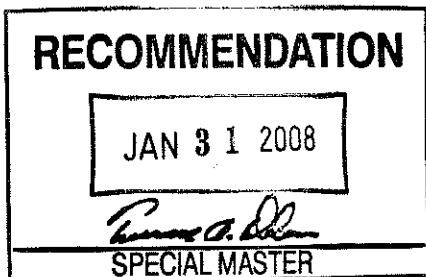
PLACE OF USE: Stockwater Within Lemhi County  
T18N R21E S29 NWNE

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.



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

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 31 2008                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

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): 75-14410 |

# 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 January 31, 2008, 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

UNITED STATES OF AMERICA  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657  
Phone: 208-373-4000

CERTIFICATE OF MAILING

*Robbin Hall*  
ROBBIN HALL  
Deputy Clerk

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01/31/08

|                                                                                         |       |
|-----------------------------------------------------------------------------------------|-------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| JAN 31 2008                                                                             |       |
| By _____                                                                                | Clerk |
| Deputy Clerk                                                                            |       |

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

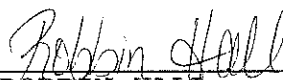
NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION  
  
Water Right(s): 75-14410

On January 31, 2008, 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 January 31, 2008.

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