

2008 AUG 14 PM 1:10

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	) Subcase 73-10520
	) (USDI / BLM)
Case No. 39576	)
	) ORDER FOR AMENDED DIRECTOR'S
_____	) REPORT

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claim 73-10520 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 Rock Spring for year-'round stockwater use in Custer 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.

The *Director's Report* failed to note that the United States' *Notice of Claim* stated a second federal law basis with an earlier priority date:

AND, this water right is also claimed based on federal law with an April 7, 1917, date of priority pursuant to an executive order signed the same date and known as public water reserve 47.

A "1411A" hearing in the matter was held by telephone on July 31, 2008, and the United States submitted the *Affidavit of Fredric W. Price* in support of its claim. In the *Affidavit*, Mr. Price stated:

A quantity of .02 cfs, not to exceed 13,000 gpd, for stockwatering purposes is sufficient to satisfy the federal reservations based upon Public Water Reserve 47 or 107. BLM prefers a partial decree under the senior federal reserve basis made pursuant to PWR 47 [emphasis added].

Since the United States stated its preference for the earlier priority date of April 7, 1917, and that date was not reported in the *Director's Report*, it is evident that an amended director's report is necessary to give adequate notice to other parties to the SRBA.

THEREFORE, IT IS ORDERED that IDWR shall file with the Court an amended director's report reporting both federal law bases for the United States' claim. If no objections to the amended director's report are filed within 21 days of publication on the Court's Docket Sheet, the Special Master will enter a report and recommendation without the necessity of another 1411A hearing.

DATED August 14, 2008.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER FOR AMENDED DIRECTOR'S REPORT was mailed on August 14, 2008, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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