

RECEIVED

MAR 24 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 23 2009	
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 67-04570,
	)	67-04571, and 67-04574

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.

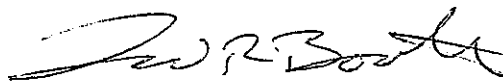
On August 3, 2007, the claimant of the water rights, Western Pacific Timber LLC, through its attorney Bruce M. Smith, filed objections to the *Director's Report* asserting that the rights should be decreed as claimed. On March 6, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water 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 67-04570, 67-04571, and 67-04574 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

Mar. 23, 2009



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 23 2009

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 67-04570

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: LITTLE CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
UNNAMED STREAM TRIBUTARY: JUNGLE CREEK
UNNAMED STREAM TRIBUTARY: LITTLE CREEK
CRYSTAL CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
JUNGLE CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
LAKE CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
UNNAMED STREAM TRIBUTARY: MIDDLE FORK WEISER RIVER
WHITELICKS HOT SPRINGS TRIBUTARY: MIDDLE FORK WEISER RIVER
MIDDLE FORK WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION:	T16N R02E S21	NENW	(Instream Beginning Point) Within Adams County
		NENW	(Instream Ending Point)
		SWNW	(Instream Beginning Point)
		SENW	(Instream Ending Point)
		NWSE	(Instream Beginning Point)
		SWSE	(Instream Ending Point)
	S22	NWNW	(Instream Beginning Point)
		SWSE	(Instream Beginning Point)
	S26	NWNW	(Instream Beginning Point)
	S27	NWNE	(Instream Ending Point)
		SWNW	(Instream Ending Point)
		SESE	(Instream Beginning Point)
	S28	NENE	(Instream Ending Point)
		SENE	(Instream Ending Point)
		NWNW	(Instream Beginning Point)
		SWNW	(Instream Beginning Point)
		NESW	(Instream Ending Point)
		NESW	(Instream Ending Point)
		SESE	(Instream Ending Point)
	S32	NWNE	(Instream Beginning Point)
		SENE	(Instream Ending Point)
		SENW	(Instream Beginning Point)
	S33	SWNW	(Instream Ending Point)
		SESW	(Instream Ending Point)
	S34	SWNE	(Instream Ending Point)
		NWNW	(Instream Beginning Point)
	S35	NWNW	(Instream Beginning Point)
		SWNW	(Instream Beginning Point)

WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACHES
DESCRIBED HEREIN.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fire Protection	05-01 TO 11-30	0.20 CFS
	Commercial	05-01 TO 11-30	0.20 CFS
	Stockwater	05-01 TO 11-30	0.14 CFS

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

PURPOSE AND PERIOD OF USE (continued)

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:	Stockwater		Within Adams County
	T16N R02E S21	NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S22	NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		SWSE	SESE
	S23	SWSW	
	S26	NWNW	
	S27	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S28	NENE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	SESE
	S31	NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S32	NENE	NWNE
		SWNE	SENE
		SENW	SESW
		NESE	NWSE
		SWSE	SESE
	S33	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S34	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		SWSW	NESE
	S35	NWNW	SWNW
		NWSW	
	Commercial		Within Adams County
	Same as Stockwater		
	Fire Protection		Within Adams County
	Same as Stockwater		

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

OTHER PROVISIONS (continued)

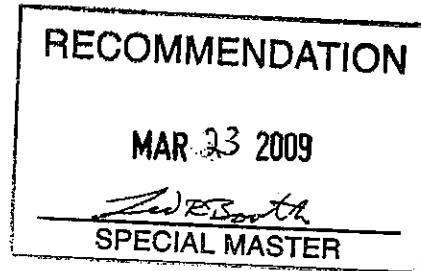
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 23 2009

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-04571

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: CAMP CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION: T16N R01E S05 SESW (Instream Beginning Point) Within Adams County
S06 NWSE (Instream Ending Point)

WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACHES
DESCRIBED HEREIN.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Fire Protection	05-01 TO 11-30	0.20 CFS
Commercial	05-01 TO 11-30	0.20 CFS
Stockwater	05-01 TO 11-30	0.14 CFS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:

Stockwater	Within Adams County
T16N R01E S05	SESW
S06	NWNE
	NENW
	SESW
	NESE
	SESE
Commercial	Within Adams County
Same as Stockwater	
Fire Protection	Within Adams County
Same as Stockwater	

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

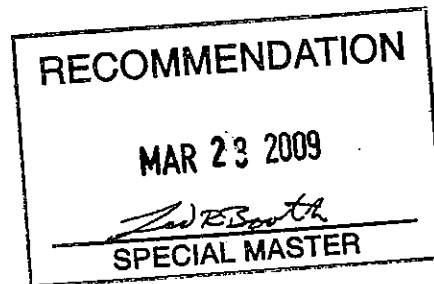
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-04574

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 23 2009

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: BEAVER CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1944

POINT OF DIVERSION: T18N R01E S05 SESW (Instream Beginning Point) Within Adams County
S06 NENW (Instream Ending Point)

WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACHES
DESCRIBED HEREIN.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	05-01 TO 11-30	0.20 CFS
Fire Protection	05-01 TO 11-30	0.20 CFS
Commercial	05-01 TO 11-30	0.20 CFS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:

Stockwater		Within Adams County
T18N R01E S04	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S05	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S06	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
S09	NENE	NWNE
	SWNE	SENE
	NESE	NWSE
	SWSE	SESE
Commercial		Within Adams County
Same as Stockwater		
Fire Protection		Within Adams County
Same as Stockwater		

PLACE OF USE (continued)

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

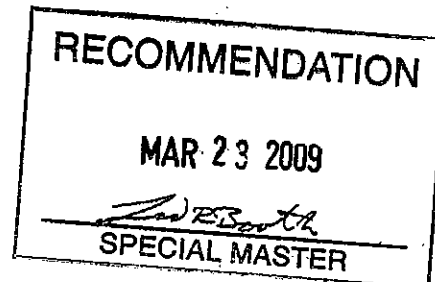
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

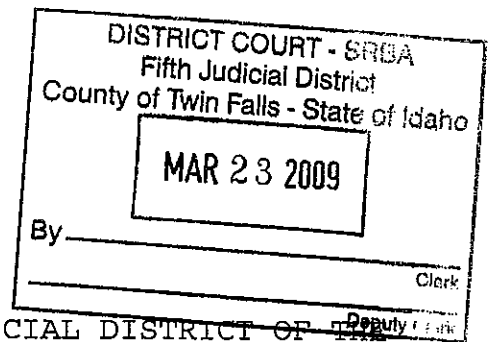
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

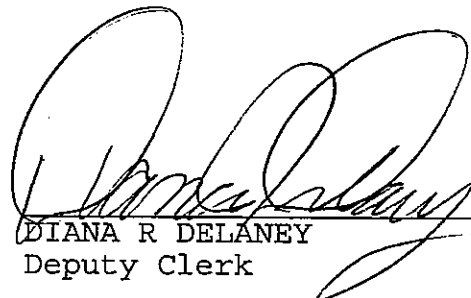
Water Right(s): 67-04570
67-04571 67-04574

On March 23, 2009, Special Master THEODORE R. BOOTH 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 March 23, 2009.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 23 2009	
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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 67-04570
67-04571 67-04574

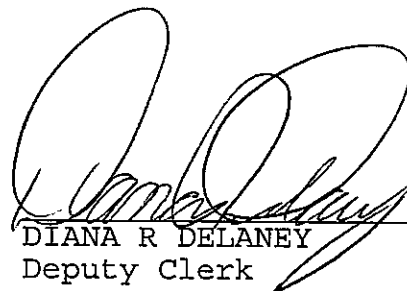
CERTIFICATE OF MAILING

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 March 23, 2009, with sufficient first-class postage prepaid to the following:

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

WESTERN PACIFIC TIMBER LLC

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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