

RECEIVED

APR 09 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR - 8 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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-14983,
) 67-14985, 67-14987, and 67-14989

I. FINDINGS OF FACT

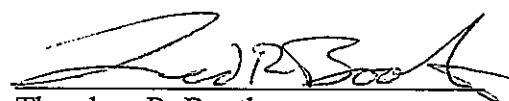
Notices of claim were filed for water rights 67-04572, 67-04573, 67-04576, and 67-04577 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of those water rights. Subsequent to the filing of the *Director's Report*, a *Notice of Completed Administrative Proceeding* was filed which split the water right claims into numbers 67-14982, 67-14983, 67-14984, 67-14985, 67-14986, 67-14987, 67-14988, and 67-14989.

On August 3, 2007, Western Pacific Timber, LLC, through its attorney Bruce M. Smith, filed an objection to the *Director's Report*. On March 6, 2009, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* in each of the above-captioned 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 67-14983, 67-14985, 67-14987, and 67-14989 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated April 8, 2009



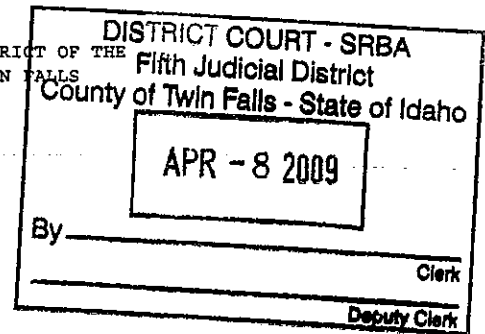
Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 67-14983



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

SOURCE: UNNAMED STREAMS 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: 05/01/1945

POINT OF DIVERSION: T19N R01E S20 NWNE (Instream Ending Point) Within Adams County
SWSW (Instream Ending Point)
SWSE (Instream Beginning Point)
S21 SWNW (Instream Ending Point)
SWNW (Instream Beginning Point)
S28 SESW (Instream Beginning Point)
S30 SENE (Instream Ending Point)
S31 NENE (Instream Ending Point)
S32 SENW (Instream Beginning Point)
NWSE (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
	Stockwater	05-01 TO 11-30	0.20 CFS
	Commercial	05-01 TO 11-30	0.20 CFS
	Fire Protection	05-01 TO 11-30	0.20 CFS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:	Stockwater	Within Adams County
	T19N R01E S29	NENE
	Commercial	Within Adams County
	T19N R01E S17	SESE
	S20	NENE
		SWNE
		NENW
		SWSW
		NESE
		SWSE
	S21	NWNW
		NESW
		SWSW
	S28	NWNE
		NENW
		SWNW
		NESW
		SWSW
		NWSE
	S29	NWNE
		SENE
		NWNW

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

PLACE OF USE (continued)

	SESW	NESW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S30	NENE	SENE
	NESE	SESE
S31	NENE	SENE
	NESE	SWSE
	SESE	
S32	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SESW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S33	NWNW	SWNW
	SESW	NESW
	NWSW	SWSW
	SESW	NWSE
	SWSE	

Fire Protection
Same as Stockwater

Within Adams County

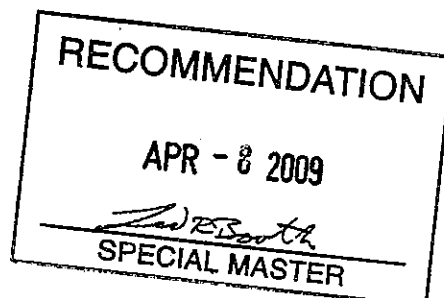
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

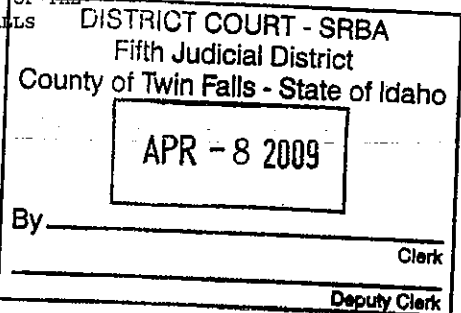


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 67-14985



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

SOURCE: HANSON CREEK TRIBUTARY: HORNET CREEK
UNNAMED STREAM TRIBUTARY: HANSON CREEK

QUANTITY: 0.20 CFS

PRIORITY DATE: 05/01/1950

POINT OF DIVERSION: T17N R02W S21 SESE (Instream Beginning Point) Within Adams County
S22 SESE (Instream Ending Point)
SESW (Instream Ending Point)
SWSE (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

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE: Commercial Within Adams County
T17N R02W S21 LOT 7 (SESE)
S22 SWSW SESW
SWSE

Fire Protection Within Adams County
Same as Commercial

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 Reclamation

RECOMMENDATION

APR - 8 2009

SPECIAL MASTER

CT OF THE DISTRICT COURT - SRBA
FALLS Fifth Judicial District
County of Twin Falls - State of Idaho

APR - 8 2009

By _____ Clerk

Deputy Clerk

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-14987

PAGE 1
Mar-18-2009

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

PLACE OF USE (continued)

	SEnw	NWSE
S07 LOT 1	(NWNW)	LOT 2 (SWNW)
	NESW	LOT 3 (NWSW)
	NESE	NWSE
	SESE	
S08	NENE	NWNE
	NENW	
S09	NENE	NWNE
	SWNE	SENE
S10	NENW	NWNW
	SWNW	SEnw
S17	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SEnw
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S18	NENE	SENE
	NESE	SESE
S19	NENE	
S20	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SEnw
	SEnw	NESW
	NWSW	SESW
	NESE	NWSE
	SWSE	SESE
S21	NWNW	SWNW
	SEnw	NWSW
	SWSW	

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:

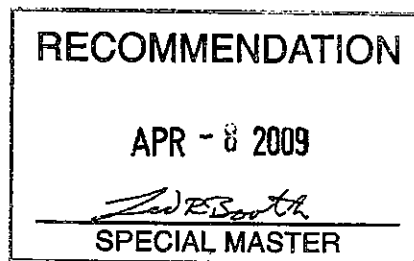
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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).

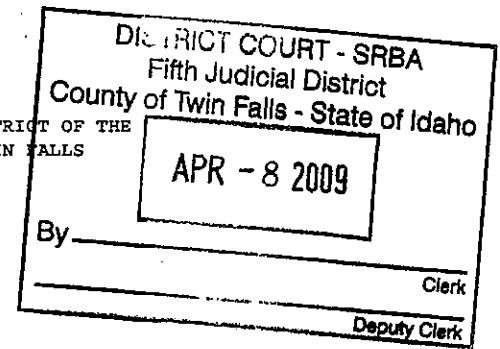
RULE 54(b) CERTIFICATE

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 TWIN FALLS



In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-14989

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

SOURCE: UNNAMED STREAM TRIBUTARY: FALL CREEK
UNNAMED STREAM TRIBUTARY: WARM SPRING CREEK
BOULDER CREEK TRIBUTARY: MIDDLE FORK WEISER RIVER
FALL CREEK TRIBUTARY: MIDDLE FORK 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: T15N R01E S01 NENE (Instream Beginning Point) Within Adams County
SENE (Instream Ending Point)
S02 NWNW (Instream Ending Point)
S25 NESW (Instream Beginning Point)
S26 NENE (Instream Ending Point)
SENE (Instream Ending Point)
S34 NESE (Instream Beginning Point)
S35 NENE (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
	Stockwater	05-01 TO 11-30	0.14 CFS
	Commercial	05-11 TO 11-30	0.20 CFS

Commercial use is for dust abatement.

PLACE OF USE:	Stockwater		Within Adams County
	T15N R01E S01	NENE	SENE
		NESE	NWSE
	S02	NENE	NWNE
		SWNE	SENE
		NWNW	
	S03	NENE	
	S14	SWNW	SENW
		NESE	NWSE
		SWSE	SESE
	S23	SWNE	SENE
		NESE	SESE
	S24	SWNE	SENE
		SWNW	SENW
		NWSW	SWSW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S25	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW

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

PLACE OF USE (continued)

	NESW	NWSW
S26	NENE	SENE
	NESE	NWSE
	SESE	
S35	NENE	NWNE
	NENW	NWNW
R02E S19	NWNW	
T16N R01E S34	NESE	SESE
S35	SWNW	SENW
	NWSW	SWSW

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:

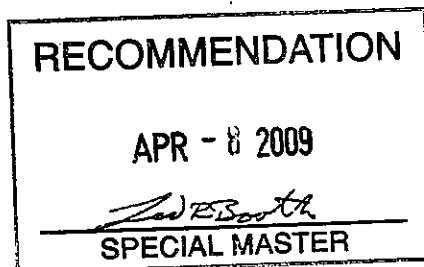
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR - 8 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

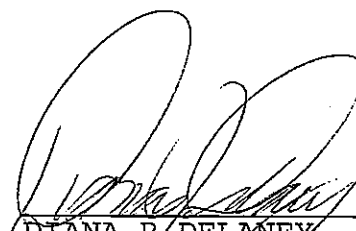
Water Right(s): 67-14983
67-14985 67-14987 67-14989

On April 08, 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 April 08, 2009.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR - 8 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

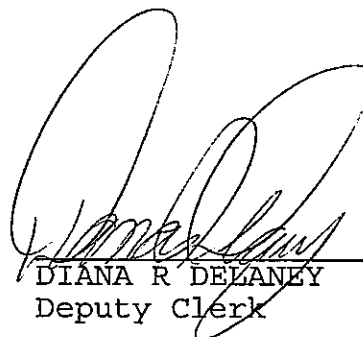
Water Right(s): 67-14983
67-14985 67-14987 67-14989

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 08, 2009, with sufficient first-class postage prepaid to the following:

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

WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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