

RECEIVED
DEC 02 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC - 1 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) Subcase 02-7416
Case No. 39576) (State of Idaho)
)
) ORDER GRANTING MOTION TO
) ALTER OR AMEND and AMENDED
) 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 Basin 02* on December 29, 2006. The Director recommended the claim to the State of Idaho, Department of Parks & Recreation, Statehouse Mail, P.O. Box 83720, Boise, Idaho, 83720-0065, for 1.95 cfs from the Snake River for year-round wildlife and recreation storage and for wildlife, recreation and diversion to storage in Owyhee County from October 1 to May 15 with a priority date of April 4, 1985, based on a license.

The State filed an *Objection* on November 27, 2007, objecting to place of use. On May 29, 2009, the State, with IDWR's concurrence, filed a *Standard Form 5* amending the place of use.

The Special Master entered a *Report and Recommendation* on July 20, 2009, but on August 10, 2009, the State filed its *Motion to Alter or Amend* citing legal description errors in the *Recommendation's* places of use. IDWR agreed there were errors between the *SF-5* and the *Recommendation*. There are no other parties to the subcase.

Conclusions of Law

1. The State has shown good cause to have the *Recommendation* amended; and

2. The State is entitled to a partial decree adjudicating a water right as described in the SF-5 and the attached amended *Special Master Recommendation for Partial Decree for Water Right 02-7416*.

Order

THEREFORE, IT IS ORDERED that the State's *Motion to Alter or Amend* is **granted**.

DATED December 1, 2009.

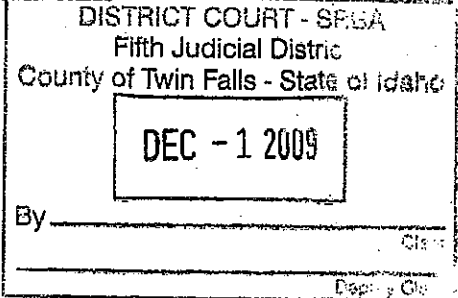

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
Case No. 39576)

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

Water Right 02-07416



NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.95 CFS
881.90 AFY

PRIORITY DATE: 04/04/1985

POINT OF DIVERSION: T06S R06E S02 LOT 2 (SWNE) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Wildlife	Wildlife	10-01 TO 05-15	1.95 CFS
			881.90 AFY
Wildlife Storage	Wildlife Storage	01-01 TO 12-31	300.00 AFY
Recreation	Recreation	10-01 TO 05-15	1.95 CFS
			881.90 AFY
Recreation Storage	Recreation Storage	01-01 TO 12-31	300.00 AFY
Diversion to Storage	Diversion to Storage	10-01 TO 05-15	1.95 CFS

PLACE OF USE:	Wildlife		Within Owyhee County
T06S R06E S13	SWNE	SENW	
	NESW	SWSW	
	SESW	NWSE	
	SWSE		
S14	NESW	NWSW	
	SWSW	SESW	
	NESE	NWSE	
	SWSE	SESE	
S23	NENE	NWNE	
	NENW		
S24	NWNE	NENW	
	NWNW		
Wildlife Storage			Within Owyhee County
T06S R06E S13	SWNE	SENW	
	NESW	SWSW	
	SESW	NWSE	
	SWSE		
S14	NESW	NWSW	
	SWSW	SESW	
	NESE	NWSE	
	SWSE	SESE	
S23	NENE	NWNE	
	NENW		
S24	NWNE	NENW	
	NWNW		
Recreation			Within Owyhee County
T06S R06E S13	SWNE	SENW	
	NESW	SWSW	
	SESW	NWSE	
	SWSE		

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

PLACE OF USE (continued)

S14	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S23	NENE	NWNE
	NENW	
S24	NWNE	NENW
	NWNW	
Recreation Storage		Within Owyhee County
T06S R06E S13	SWNE	SENE
	NESW	SWSW
	SESW	NWSE
	SWSE	
S14	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S23	NENE	NWNE
	NENW	
S24	NWNE	NENW
	NWNW	

Place of use is located within Bruneau Dunes State Park.

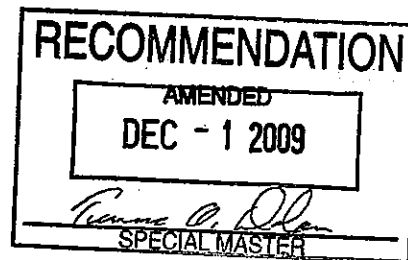
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC - 1 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

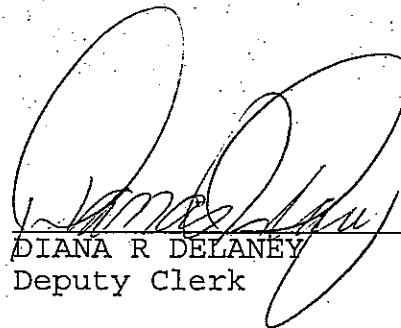
Water Right(s): 02-07416

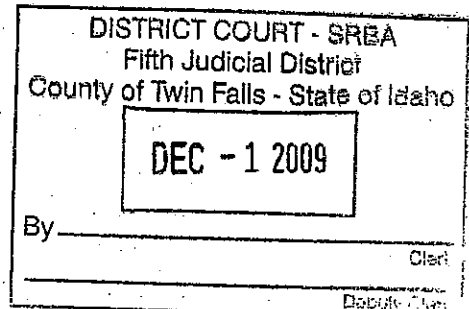
On December 01, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 December 01, 2009.


DIANA R DELANEY
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): 02-07416

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 December 01, 2009, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO DEPARTMENT OF
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065
Phone: 208-334-4180

CERTIFICATE OF MAILING

A handwritten signature in black ink, appearing to read "Diana R. Delaney".

DIANA R DELANEY
Deputy Clerk

PAGE 1
12/01/09