

RECEIVED

MAR 12 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 11 2010	
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	) Subcases 75-4155 (75-14624 & 75-14625)
	) (Crabtree & USDI/BLM)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-4155 to Fred E. Crabtree, P.O. Box 24, Ellis, Idaho, 83235, for .34 cfs from Big Hat Creek to irrigate 22.5 acres in Lemhi County from April 1 to October 31 with a priority date of June 1, 1915, based on beneficial use.

Mr. Crabtree lodged a late *Objection* on October 18, 2007, objecting to quantity and priority date and on September 14, 2009, he was granted leave to amend his claim. On October 30, 2009, IDWR filed its *Amended Director's Report* recommending the claim be split and disallowed with 75-14624 to be decreed to Mr. Crabtree and 75-14625 to be decreed to the United States of America, Department of Interior, Bureau of Land Management, Attn: Frederic W. Price, 1387 S. Vinnell Way, Boise, Idaho, 83709.

Mr. Crabtree filed an *Objection* in 75-14624 on November 5, 2009, objecting to quantity. On March 1, 2010, Mr. Crabtree and the United States filed a *Stipulation to Resolve Response* in 75-4155 agreeing to split the claim. The same date, with IDWR's concurrence, they filed *Standard Forms 5* in subcases 75-14624 (Crabtree) and 75-16425 (USDI/BLM).

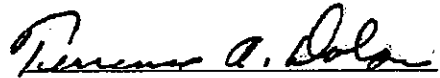
Conclusions of Law

Mr. Crabtree and the United States are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14624 and 75-14625*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-4155 be disallowed having been split.

DATED March 11, 2010.


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 75-14624

NAME AND ADDRESS: FRED E CRABTREE
PO BOX 24
ELLIS, ID 83235

SOURCE: BIG HAT CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.68 CFS

PRIORITY DATE: 06/01/1915

POINT OF DIVERSION: T17N R20E S23 SWNE Within Lemhi County
NWNE
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.68 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T17N R20E S23	SWNE 8.0
		NWSE 1.1
	22.5 Acres Total	

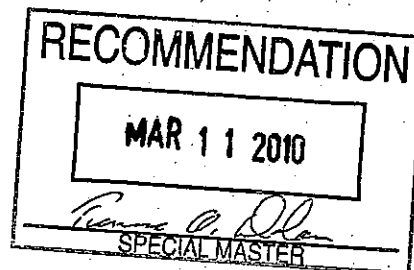
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

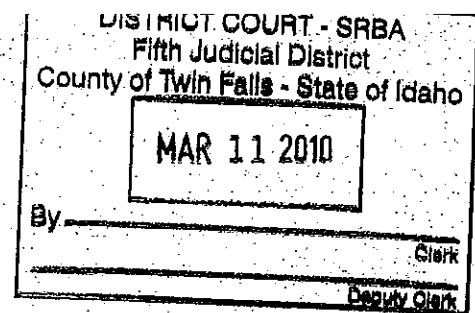
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



In Re SRBA) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14625

PAGE 1
Mar-10-2010



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

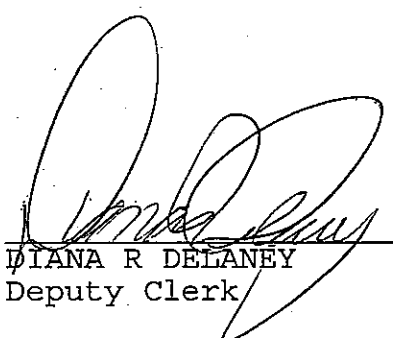
Water Right(s): 75-04155
75-14624 75-14625

On March 11, 2010, 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.

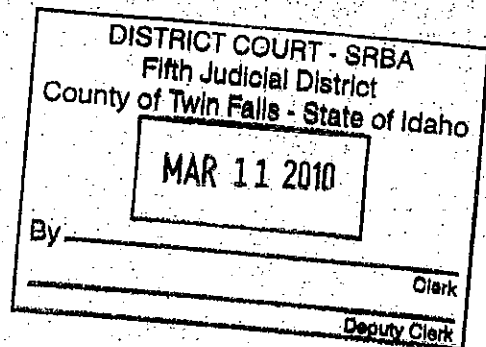
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 March 11, 2010.



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): 75-04155
75-14624 75-14625

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 11, 2010, with sufficient first-class postage prepaid to the following:

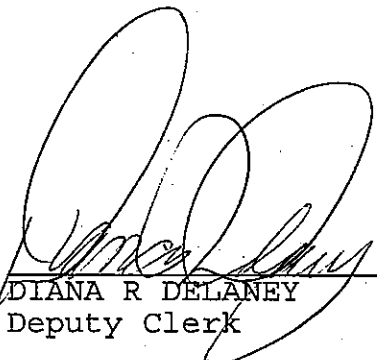
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES DEPT OF INTERIOR
UNITED STATES OF AMERICA

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

FRED E CRABTREE
PO BOX 24
ELLIS, ID 83235
Phone: 208-788-5622

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
03/11/10