

RECEIVED
AUG 10 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SREA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 9 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	) Subcase 45-7601
	) (USDI/BLM)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	)

Findings of Fact

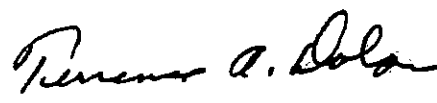
The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 10 (IDWR Basin 45)* on March 2, 1998. The Director recommended the claim, filed by the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, be disallowed: "Claim incomplete."

The United States filed an *Objection* on July 2, 1998, and Joe Tugaw filed a *Motion to File Late Objection* on July 12, 1999. On June 12, 2008, IDWR filed a *Notice of Completed Administrative Proceeding* for "amended license issued" recommending .01 cfs from a spring for year-'round wildlife use and for stockwater use from April 16 to May 25 and October 25 to November 30 in Cassia County with a priority date of April 17, 1986, based on a license. No one objected to the amended recommendation. On June 3, 2009, Mr. Tugaw filed his *Notice of Withdrawal of Motion to File Late Objection*.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right under claim 45-7601 as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-7601*.

DATED August 9, 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 45-07601

NAME AND ADDRESS: UNITED STATES OF AMERICA
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS
1.50 AFY

THE MAXIMUM DIVERSION VOLUME IS DEFINED AS THE MAXIMUM ALLOWABLE VOLUME OF WATER THAT MAY BE DIVERTED ANNUALLY FROM THE SOURCE UNDER THIS RIGHT. THE USE OF WATER CONFIRMED BY THIS RIGHT IS LIMITED TO THE AMOUNT WHICH CAN ACTUALLY BE BENEFICIALLY USED. THE MAXIMUM DIVERSION VOLUME MAY BE ADJUSTED TO MORE ACCURATELY DESCRIBE THE BENEFICIAL USE OR TO IMPLEMENT ACCEPTED STANDARDS OF DIVERSION AND USE EFFICIENCY. THIS RIGHT, WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED THE BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 04/17/1986

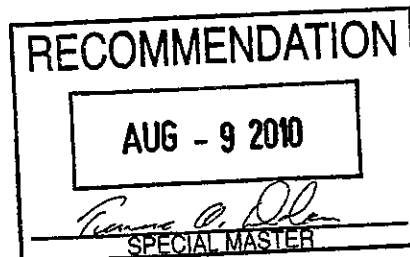
POINT OF DIVERSION: T13S R20E S03 LOT 1 (SENE) Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	01-01 TO 12-30	0.01 CFS
			1.50 AFY
	Stockwater	10-25 TO 11-30	0.01 CFS
			0.70 AFY
	Stockwater	04-16 TO 05-25	0.01 CFS
			0.80 AFY

PLACE OF USE:	Stockwater	Within Cassia County
	T12S R20E S25	SESW
	S35	SENE
	Wildlife	Within Cassia County
	T12S R20E S25	SESW
	S35	SENE

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).



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG - 9 2010	
By _____	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

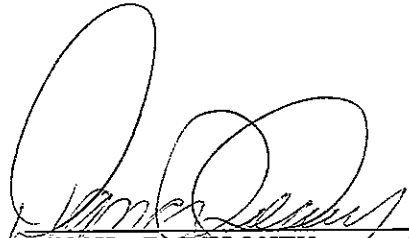
Water Right(s): 45-07601

On August 09, 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.

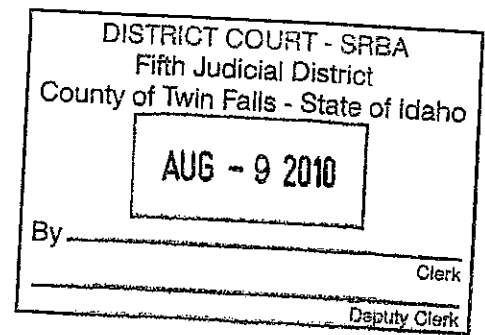
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 August 09, 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) : 45-07601

CERTIFICATE OF MAILING

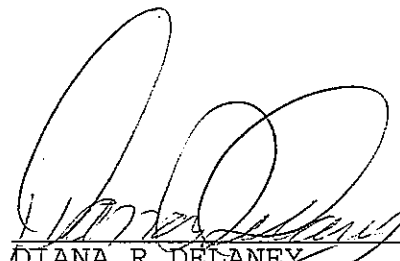
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 09, 2010, with sufficient first-class postage prepaid to the following:

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

JOE TUGAW
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

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

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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08/09/10