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MAR 13 2013
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 12 2013	
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 51-2265 and 51-4087
	)	(USDI/BLM)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
_____	)	

Findings of Fact

On February 22, 2012, SRBA Presiding Judge Eric J. Wildman entered an **Order Granting Motions to File Late Notices of Claim** in subcases 51-2265 and 51-4087 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. On June 7, 2012, IDWR filed its *Part I Director's Report for Late Claims*. The Director recommended the claims as follows:

51-2265 – 13.89 afy from an unnamed stream in Owyhee County for year-'round stockwater storage and stockwater from storage with a priority date of January 24, 1942, based on a license. On October 17, 2012, the Presiding Judge entered a **Partial Decree** in subcase 51-2265.

51-4087 – 13.89 afy from an unnamed stream in Owyhee County for year-'round wildlife storage and wildlife from storage with a priority date of April 15, 1942, based on beneficial use. On July 3, 2012, the BLM filed an *Objection* in subcase 51-4087 objecting to the recommended priority date.

On March 11, 2013, the BLM, with IDWR's concurrence, filed *Standard Forms 5* in the subcases agreeing to set aside and disallow partially decreed water right 51-2265 and instead partially decree water right 51-4087 for year-'round wildlife storage, wildlife from storage, stockwater storage and stockwater from storage with a priority date of April 15, 1940.

Conclusions of Law

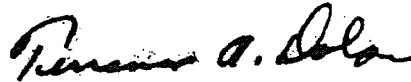
1. The United States has shown good cause to have the *Partial Decree* for water right 51-2265 set aside and be disallowed; and
2. The United States is entitled to a partial decree adjudicating a water right for claim 51-4087 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 51-4087*.

Recommendations

THEREFORE, IT IS RECOMMENDED that:

1. The *Partial Decree* for water right 51-2265 be set aside and disallowed; and
2. The United States be partially decreed a water right for claim 51-4087.

DATED March 12, 2013.



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 51-04087

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

SOURCE: UNNAMED STREAM TRIBUTARY: SUGAR CREEK

QUANTITY: 13.89 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 04/15/1940

POINT OF DIVERSION: T10S R05E S08 SWSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife Storage	01-01 TO 12-31	13.89 AFY
	Wildlife from Storage	01-01 TO 12-31	13.89 AFY
	Stockwater Storage	01-01 TO 12-31	13.89 AFY
	Stockwater from Storage	01-01 TO 12-31	13.89 AFY

PLACE OF USE:	Stockwater from Storage	Within Owyhee County
	T10S R05E S08	SWSE
	S17	NWNE
	Wildlife from Storage	Within Owyhee County
	T10S R05E S08	SWSE
	S17	NWNE

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

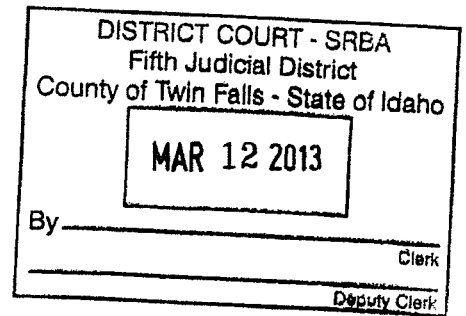
RECOMMENDATION

MAR 12 2013

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-04087 File Number: 00582

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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

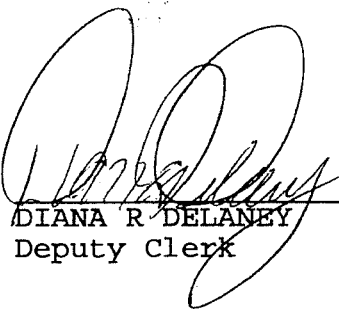
Water Right(s): 51-02265
51-04087

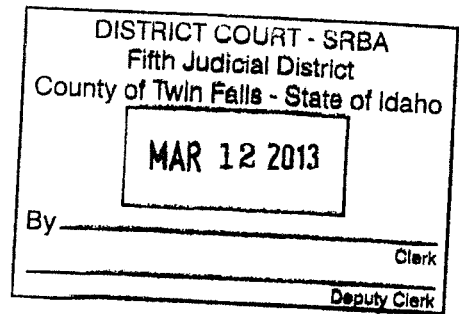
On March 12, 2013, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 12, 2013.


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

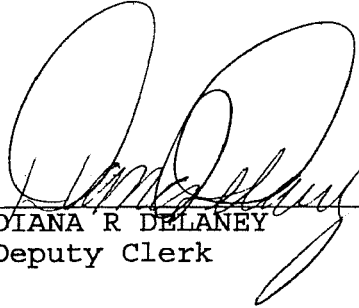
Water Right(s): 51-02265
51-04087

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 12, 2013, with sufficient first-class postage prepaid to the following:

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

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



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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