

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 16 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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 81-12000
	)	and 81-12005

I. FINDINGS OF FACT

A notice of claim was filed for water right 81-12000 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 for the elements of water right 81-12000.

On July 3, 2012, the claimant of the water right, the State of Idaho, Department of Lands, through Deputy Attorney General Tyson K. Nelson, filed an objection to the *Director's Report*. On March 8, 2013, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* which resolved the objection and which split the claim into 81-12000 and 81-12005. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 81-12000 and 81-12005 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 6, 2013



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 81-12000

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: UNNAMED STREAM TRIBUTARY: MAGGIE CREEK

QUANTITY: 4.83 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day.
The capacity of the 3 storage reservoirs is 2.37 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 08/18/1961

POINT OF DIVERSION: T33N R05E S17 SWNW Within Idaho County
SWNW
S19 LOT 1 (NWNW)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Industrial from Storage	01-01 TO 12-31	4.83 AFY
Industrial Storage	01-01 TO 12-31	4.83 AFY
Fire Protection Storage	01-01 TO 12-31	4.83 AFY
Fire Protect from Storage	01-01 TO 12-31	4.83 AFY
Stockwater Storage	01-01 TO 12-31	4.83 AFY
Stockwater from Storage	01-01 TO 12-31	4.83 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF USE: Stockwater from Storage Within Idaho County
T33N R05E S17 SWNW
S18 LOT 4 (SWSW)
S19 LOT 1 (NWNW)

Industrial from Storage	Within Idaho County
T33N R05E S17	NENE NWNE
	SWNE SENE
	NENW NWNW
	SWNW SENW
	NESW NESW
	NWSW SWSW
	SESW NESE
	NWSE SWSE
	SESE
S19	NENE NWNE
	SWNE NENW
LOT 1 (NWNW)	LOT 2 (SWNW)
	SESW

Fire Protect from Storage Within Idaho County
T33N R05E S17 NENE NWNE

PLACE OF USE (continued)

	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S19	NENE	NWNE
	SWNE	NENW
LOT 1	(NWNW)	LOT 2 (SWNW)
	SENW	

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.

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

RECOMMENDATION

APR 16 2013

David R. Booth
SPECIAL MASTER

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 81-12005

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: UNNAMED STREAM TRIBUTARY: NORTH FORK MAGGIE CREEK

QUANTITY: 0.23 AFY

The capacity of the storage reservoir is 0.02 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year. The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/18/1961

POINT OF DIVERSION: T33N R05E S11 SENE Within Idaho County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Industrial from Storage	01-01 TO 12-31	0.23 AFY
Industrial Storage	01-01 TO 12-31	0.23 AFY
Fire Protection Storage	01-01 TO 12-31	0.23 AFY
Fire Protect from Storage	01-01 TO 12-31	0.23 AFY
Stockwater Storage	01-01 TO 12-31	0.23 AFY
Stockwater from Storage	01-01 TO 12-31	0.23 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF USE:

Stockwater from Storage		Within Idaho County
T33N R05E S11	NENE	SENE
Industrial from Storage		Within Idaho County
T33N R05E S11	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
Fire Protect from Storage		Within Idaho County
T33N R05E S11	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE

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

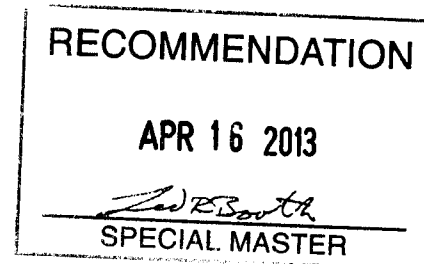
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

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



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

APR 16 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

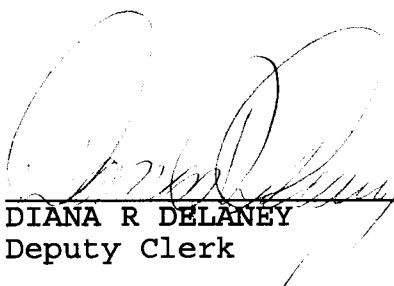
Water Right(s): 81-12000
81-12005

On April 16, 2013, 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 16, 2013.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 16 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)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 81-12000
81-12005

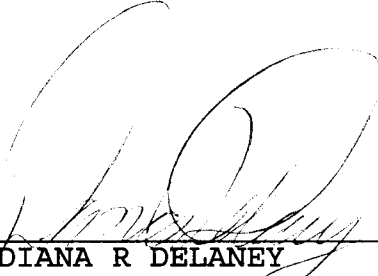
CERTIFICATE OF MAILING

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 16, 2013, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO

Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449
Phone: 208-334-2400



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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