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JUL 03 2014

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SHBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 30 2014
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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 72-16780A
) and 72-16780B
)
) RECOMMENDATION OF
) DISALLOWANCE FOR 72-16780

I. FINDINGS OF FACT

A notice of claim was filed for water right 72-16780 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 this water right. On October 31, 2013, IDWR filed an *Amended Director's Report* which split 72-16780 into 72-16780A and 72-16780B.

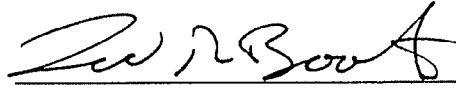
On November 7, 2013, the United States of America, Department of Interior, Bureau of Land Management filed an objection to the *Amended Director's Report* for 72-16780B. No objections were filed to the *Amended Director's Report* for 72-16780A. On June 25, 2014, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* for 72-16780B which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 72-16780A and 72-16780B be **decreed** with the elements as set forth in the attached

Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b). IT IS FURTHER
RECOMMENDED that the SRBA District Court enter a final order disallowing 72-16780.

Dated June 30, 2014



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 72-16780B

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

SOURCE: BIG BOULDER CREEK TRIBUTARY: EAST FORK SALMON RIVER

QUANTITY: 2.07 CFS

Right nos. 72-10302A, 72-10304, 72-16778, 72-16780A and
72-16780B are limited to a maximum combined diversion rate of
7.80 cfs at the Big Boulder Creek-1 Diversion in T09N, R17E,
S15, NWNENE, Lot 1.
Right nos. 72-204, 72-10304, 72-16780A and 72-16780B are limited
to a maximum combined diversion rate of 8.00 cfs at the Big
Boulder Creek-2 Diversion in T09N, R17E, S15, SENWNE, Lot 2.
Right nos. 72-16780A and 72-16780B are limited to a total
combined diversion rate of 12.68 cfs.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T09N R17E S15 LOT 1 (NWNENE) Within Custer County
LOT 2 (SENWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.07 CFS

PLACE OF USE: Irrigation Within Custer County
T09N R17E S10 LOT 6 (NESE) 4.3 LOT 6 (SESE) 3.7
S14 LOT 4 (NWNW) 3.6
11.6 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 398.1 acres in a single irrigation season.
Combined Right Nos.: 72-204, 72-2048, 72-10302A, 72-10302B,
72-10302C, 72-10303, 72-10304, 72-16778, 72-16779, 72-16780A
and 72-16780B.
Right Nos. 72-16778 and 72-16780B are limited to the irrigation
of a combined total of 11.6 acres in a single irrigation season.

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).

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WATER RESOURCES

RECOMMENDATION

JUN 30 2014

Lawrence B. Booth
SPECIAL MASTER

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 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 72-16780A

NAME AND ADDRESS: EDDIE BAKER JR
HC 68 BOX 375
CLAYTON, ID 83227

SOURCE: BIG BOULDER CREEK TRIBUTARY: EAST FORK SALMON RIVER

QUANTITY: 12.68 CFS

Right nos. 72-10302A, 72-10304, 72-16778, 72-16780A and
72-16780B are limited to a maximum combined diversion rate of
7.80 cfs at the Big Boulder Creek-1 Diversion in T09N, R17E,
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Right nos. 72-204, 72-10304, 72-16780A and 72-16780B are limited
to a maximum combined diversion rate of 8.00 cfs at the Big
Boulder Creek-2 Diversion in T09N, R17E, S15, SENWNE, Lot 2.
Right nos. 72-16780A and 72-16780B are limited to a total
combined diversion rate of 12.68 cfs.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T09N R17E S15 LOT 1 (NWNENE) Within Custer County
LOT 2 (SEWNNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	12.68 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T09N R17E S11	NWNE 17.0 SWNE 6.1
		NENW 7.6 SENW 10.0
	S15 LOT 1 (NENE)15.0	LOT 5 (SENE) 1.4
	57.1 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 398.1 acres in a single irrigation season.
Combined Right Nos.: 72-204, 72-2048, 72-10302A, 72-10302B,
72-10302C, 72-10303, 72-10304, 72-16778, 72-16779, 72-16780A
and 72-16780B.

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

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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).

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RECOMMENDATION

JUN 30 2014

Zed B. South
SPECIAL MASTER

RULE 54(b) CERTIFICATE

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

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DEPARTMENT OF
WATER RESOURCES

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

JUN 30 2014

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

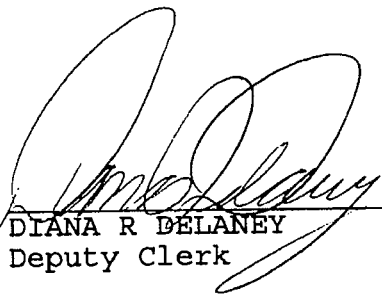
Water Right(s): 72-16780
72-16780A 72-16780B

On June 30, 2014, Special Master ERIC J WILDMAN 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 June 30, 2014.


DIANA R DELANEY
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 30 2014
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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): 72-16780
72-16780A 72-16780B

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 July 01, 2014, with sufficient first-class postage prepaid to the following:

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

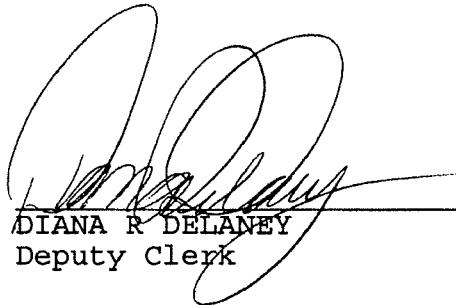
EDDIE BAKER JR
EDDIE E BAKER
Represented by:
DANIEL V STEENSON
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707
Phone: 208-629-7447

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

CERTIFICATE OF MAILING

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06/30/14

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



DIANA R DELANEY
Deputy Clerk