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Department of Water Resources

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JULIA A. BARRA
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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

) Subcase: 36-04219

Case No. 39576

)
) AMENDED PRELIMINARY
) SPECIAL MASTER'S REPORT
)
)

Findings of Fact

Smith Ranches, Inc., filed a *Notice of Claim to a Water Right* under 36-04219 on January 10, 1990, claiming 4 acre feet per annum for year 'round stockwater storage on a BLM grazing allotment based on a "statutory claim." On November 2, 1992, the Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 2 (Basin 36)* recommending the water right as claimed. The United States of America, Department of the Interior, Bureau of Land Management, filed its *Objection* on April 30, 1993, objecting to name and address.

Smith Ranches filed its *Response to Objection* on June 23, 1993, alleging that the claim is valid. The Director filed his *Response* on September 10, 1993, proposing no change in his recommendation.

On May 13, 1996, Smith Ranches, the United States and IDWR filed an *Amended Standard Form 5* stipulating that the United States is the owner of the water right. A *Preliminary Special Master's Report and Recommendation* was entered on May 14, 1996, and IDWR lodged its *Review of Preliminary Special Master's Report* concerning quantity, purpose of use and other matters necessary to define or administer the right.

Conclusions of Law

The United States is entitled to a partial decree adjudicating its water right under claim 36-04219 as described in the *Amended Standard Form 5* and the *Preliminary Special Master's Recommendation for Partial Decree for Water Right 36-04219*.

DATED September 16, 1996.



TERRENCE A. DOLAN

Special Master, Reporting Area 3
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)

Case No. 39576)

PRELIMINARY

1996 SEP 16 PM 4:19

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 36-04219

NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: PRATT LAKE

TRIBUTARY: SINKS

QUANTITY: 4.0 AFY

PRIORITY DATE: 06/30/1965

POINT OF DIVERSION: T01S R27E S24

NWNE

Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER STORAGE
STOCKWATER FROM STORAGE
WILDLIFE STORAGE
WILDLIFE FROM STORAGE

PERIOD OF USE
01-01 12-31
01-01 12-31
01-01 12-31
01-01 12-31

QUANTITY
4.0 AFY
4.0 AFY
4.0 AFY
4.0 AFY

PLACE OF USE:

STOCKWATER FROM STORAGE Within BUTTE County
T01N R27E S25 NESW
S28 SWSE
T01S R27E S02 SESE
S24 NENE
R28E S08 NWSW
S28 NWSE
S32 NWNW

Place of use for WILDLIFE FROM STORAGE is same as STOCKWATER FROM STORAGE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: 9-16-96



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication