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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS COUNTY
FILED *AL*

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	)	PRELIMINARY SPECIAL
	)	MASTER'S REPORT
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
	)	WATER RIGHT 57-02407

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 2 and investigated and abstracted the notice of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County, State of Idaho. The *Director's Report for Reporting Area 2 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

An objection to the *Director's Report* for water right 57-02407 was filed on February 26, 1993, by the United States Bureau of Land Management. A response was filed on June 11, 1993, by the State of Idaho Department of Water Resources. Subcase 57-02407 involves a stock water and/or wildlife claim filed by the United States Bureau of Land Management (BLM). A *Standard Form 5 - Stipulated Elements of a Water Right* was filed on January 22, 1996. The only signatory to the *Standard Form 5* is the claimant/objector, the United States Bureau of Land Management. The Idaho Department of Water Resources did not concur in the *Standard Form 5* and filed its *IDWR Report Re: Review of Standard Form 5*.

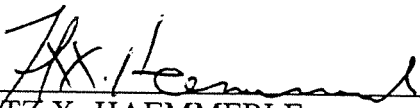
Because of the failure of IDWR to sign the *Standard Form 5* the United States filed a *Motion to Designate Basin Wide Issue 12* (BWI). The purpose of BWI 12 was to resolve all disputes the United States had with IDWR involving stock water rights. Subsequently, Special Master Haemmerle entered his opinion on BWI 12. The Special Master incorporates that decision by reference.

CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

Consistent with the recommendation of the *Second Amended Special Master's Recommendation Re: Basin Wide Issue 12* (Aug. 12, 1996) and with these findings and as a matter of law the Special Master recommends water right 57-02407 as listed on the attached *Preliminary Special Master's Recommendation* for Partial Decree.

DATED September 26, 1996.



FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
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 26 PM 4:35
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT-CLERK
TWIN FALLS COUNTY
Water Right 57-02407
FILED *[Signature]*

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.3 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/08/1958

POINT OF DIVERSION: T03S R03W S24 NENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STORAGE	01-01 12-31	0.3 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	0.3 AFY

PLACE OF USE:	STOCKWATER STORAGE	Within Owyhee County
	T03S R03W S24	NENE
	STOCKWATER FROM STORAGE	Within Owyhee County
	T03S R03W S24	NENE

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: SEP 26 1996

[Signature]
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

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DISTRICT COURT - SEVEN
TWIN FALLS, IDAHO
FILED *[Signature]*

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
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-02407

On September 26, 1996, Special Master FRITZ X HAEMMERLE issued a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative Order 1 sections 11 (e) and (f).

These documents are served only on parties to the subcase. They are not served on the Presiding Judge. Parties to this subcase may file a Motion for Reconsideration or a Motion to Correct Clerical Errors with the Special Master, but must do so before October 10, 1996.

DATED September 26, 1996.

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk

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DISTRICT COURT-SEAL
TWIN FALLS CO, ID
FILED

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): 57-02407

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 26, 1996, with sufficient first-class postage prepaid to the following:

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

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0663

Debbie Lash
DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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09/26/96