

Basin 47 - Box C

IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM for  
Water Right number:

47-15417

NAME and  
ADDRESS:

United States of America acting through  
Bureau of Land Management  
Idaho State Office  
1387 South Vinnell Way  
Boise, ID 83709 - 1657

BLMIDENT:

4701780117

Stg:

StFed:

J

X

SOURCE:

|        |              |
|--------|--------------|
| Source | Tributary    |
| SPRING | BROWNS CREEK |

QUANTITY:

0.02

CFS

or VOLUME:

0

Acre Feet

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

PRIORITY DATE:

1/1/1875

Diversion Means: UNDEVELOPED SPRING

REMARKS:

Also reserved pursuant to EO 4/17/26, PWR 107

POINT of  
DIVERSION:

| Twtnship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of  |
|----------|-------|---------|----|----|----|-----|-----|------------|------------|
| 15S      | 14E   | 28      | NW | SW | SW |     |     | 83         | TWIN FALLS |

PURPOSE  
and  
PERIOD  
OF USE:

| Purpose of Use | Period of Use (from - to): | Rate in CFS | or   | Volume in AcFt |
|----------------|----------------------------|-------------|------|----------------|
| 04             | 0101                       | 1231        | 0.02 | 0              |

CONSUMPTIVE  
USE:

de minimis

stockwater use

DATE:

08-Jan-98 11:02 AM

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.

PLACE  
of USE:

| Water Use | Twtn | Rge | Sec | T1 | T2 | LOT | within the County of |
|-----------|------|-----|-----|----|----|-----|----------------------|
| 04        | 15S  | 14E | 28  | NW | SW | 0   | 83 TWIN FALLS        |

RECEIVED

JAN 13 1998

Department of Water Resources

Department of Water Resources

T/55

# 4701780117  
B1-92  
Spring

R14E

JK 5/14  
#12

Dr.  
(B-56)

6-55

51-201  
100-100 6447

# SRBA

## PARTIAL DECREE 47-15417

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Issued on 05-04-2004.

*This is not an official copy.*

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

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|                               |                                                                                         |                                 |                         |
|-------------------------------|-----------------------------------------------------------------------------------------|---------------------------------|-------------------------|
| NAME AND ADDRESS:             | USDI BLM<br>IDAHO STATE OFFICE<br>1387 S VINNELL WAY<br>BOISE, ID 83709-1657            |                                 |                         |
| SOURCE:                       | SPRING TRIBUTARY: BROWNS CREEK                                                          |                                 |                         |
| QUANTITY:                     | 0.02 CFS<br>THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED<br>GALLONS PER DAY. |                                 |                         |
| PRIORITY DATE:                | 06/28/1934                                                                              |                                 |                         |
| POINT OF DIVERSION:           | T15S R14E S28                                                                           | SWNWSW                          | Within Twin Falls Count |
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE<br>Stockwater                                                            | PERIOD OF USE<br>01-01 TO 12-31 | QUANTIT<br>0.02 C       |
| PLACE OF USE:                 | Stockwater<br>T15S R14E S28                                                             | NWSW                            | Within Twin Fa          |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS N  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIO  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFI  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN T  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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✓ CH 5/26/04

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 29 AM 11 36

**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 47-15417**  
**Case No. 39576** ) **(USDI / BLM)**  
 )  
 ) **SPECIAL MASTER REPORT**

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**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended claim 47-15417 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for .02 cfs from a spring for year-'round stockwater use in Twin Falls County with a priority date of January 1, 1975, based on beneficial use. The Director also noted under priority date:

4/17/1926 Claimed under federal reserved water right.

This water right is also claimed based on federal law with an April 17, 1926, date of priority pursuant to an Executive Order signed the same date and known as Public Water Reserve 107.

The State of Idaho filed an *Objection* on February 10, 1999, objecting to priority date and alleging the water right should not exist. The United States filed an *Objection* on February 12, 1999, objecting to point of diversion.

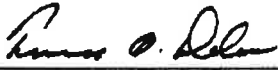
The United States and the State filed a *Joint Motion to Vacate Hearing on Dispositive Motions and to Proceed with Hearing under I.C. § 42-1411(A)* on May 12, 2003. But on February 11, 2004, the United States and the State, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to a priority date of June 28, 1934, and an amended point of diversion. Finally, on February 24, 2004, the State filed a *Report on Status of State of Idaho's*

*Objections for Selected Subcases in Basins 35 and 47* stating its objection in 47-15417 was withdrawn.

**Conclusions of Law**

The United States is entitled to a partial decree adjudicating a water right for claim 47-15417 as described in the *Amended Claim SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 47-15417*.

DATED March 29, 2004.

  
\_\_\_\_\_  
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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

2004 MAR 29 AM 11 36

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 47-15417

NAME AND ADDRESS: USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: BROWNS CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T15S R14E S28 SWNWSW Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Twin Falls County  
T15S R14E S28 NWSW

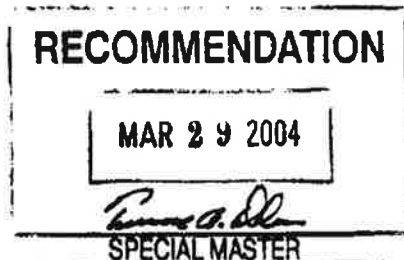
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

2004 MAR 29 AM 11 36

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): 47-15417

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 29, 2004, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO

Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

USDI BLM

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

CERTIFICATE OF MAILING

*Robbin Hall*  
ROBBIN HALL  
Deputy Clerk

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03/29/04

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 29 AM 11 36

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): 47-15417

On March 29, 2004, 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 29, 2004.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk