

1999 JUL 12 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 33-10467

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

SOURCE: HORSE CREEK TRIBUTARY: LITTLE LOST RIVER

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: T09N R27E S13 NENENE (Instream Beginning Point) Within Butte County
S22 NWNENW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

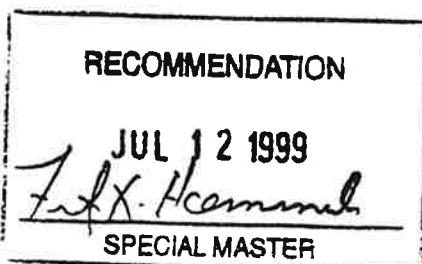
PLACE OF USE:	Stockwater		Within Butte County
	T09N R27E S13	NENE	SENE
		SWNE	NWSE
		NESW	SESW
	S14	SWSE	SESW
		SWSW	
	S15	SESE	SWSE
		SESW	
	S22	NENW	
	S23	NWNE	NENE
	S24	NENW	NWNW

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.

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.



Barry Wood
Administrative District Judge
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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1879-01-01
AGENCY NUMBER: 3303480105
BLM NUMBER: 3303480105
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 33 -10467

A3310467



SOURCE

TRIBUTARY TO

HORSE CREEK

LITTLE LOST RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM LIVESTOCK AND WILDLIFE WATERING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD FROM	OF USE TO
STOCKWATER	0.050	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.060 CFS	0.00 AF		

NON-IRRIGATION USES

200 RANGE CATTLE, 100 ANTELOPE, 100 DEER, 40 ELK, SAGE GROUSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
09N	27E	13	NE	NE	NE	00	BUTTE
09N	27E	22	NW	NE	NW	00	BUTTE

PLACE OF USE

PLACE OF USE								IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES	
09N	27E	13	NE	NE	00	BUTTE	YES	0.0	

MICROFILMED

APR 15 1994

09N	27E	13	SE	NE	00	BUTTE	YES	0.0
09N	27E	13	SW	NE	00	BUTTE	YES	0.0
09N	27E	13	NW	SE	00	BUTTE	YES	0.0
09N	27E	13	NE	SW	00	BUTTE	YES	0.0
09N	27E	13	SE	SW	00	BUTTE	YES	0.0
09N	27E	24	NE	NW	00	BUTTE	YES	0.0
09N	27E	24	NW	NW	00	BUTTE	YES	0.0
09N	27E	23	NE	NE	00	BUTTE	YES	0.0
09N	27E	23	NW	NE	00	BUTTE	YES	0.0
09N	27E	14	SW	SE	00	BUTTE	YES	0.0
09N	27E	14	SE	SW	00	BUTTE	YES	0.0
09N	27E	14	SW	SW	00	BUTTE	YES	0.0
09N	27E	15	SE	SE	00	BUTTE	YES	0.0
09N	27E	15	SW	SE	00	BUTTE	YES	0.0
09N	27E	15	SE	SW	00	BUTTE	YES	0.0
09N	27E	22	NE	NW	00	BUTTE	YES	0.0
09N	27E	13	NE	NE	00	BUTTE	YES	0.0
09N	27E	13	SE	NE	00	BUTTE	YES	0.0
09N	27E	13	SW	NE	00	BUTTE	YES	0.0
09N	27E	13	NW	SE	00	BUTTE	YES	0.0
09N	27E	13	NE	SW	00	BUTTE	YES	0.0
09N	27E	13	SE	SW	00	BUTTE	YES	0.0
09N	27E	24	NE	NW	00	BUTTE	YES	0.0
09N	27E	24	NW	NW	00	BUTTE	YES	0.0
09N	27E	23	NE	NE	00	BUTTE	YES	0.0
09N	27E	23	NW	NE	00	BUTTE	YES	0.0
09N	27E	14	SW	SE	00	BUTTE	YES	0.0
09N	27E	14	SE	SW	00	BUTTE	YES	0.0
09N	27E	14	SW	SW	00	BUTTE	YES	0.0
09N	27E	15	SE	SE	00	BUTTE	YES	0.0
09N	27E	15	SW	SE	00	BUTTE	YES	0.0
09N	27E	15	SE	SW	00	BUTTE	YES	0.0
09N	27E	22	NE	NW	00	BUTTE	YES	0.0
09N	27E	13	NE	NE	00	BUTTE	YES	0.0
09N	27E	13	SE	NE	00	BUTTE	YES	0.0
09N	27E	13	SW	NE	00	BUTTE	YES	0.0
09N	27E	13	NW	SE	00	BUTTE	YES	0.0
09N	27E	13	NE	SW	00	BUTTE	YES	0.0
09N	27E	13	SE	SW	00	BUTTE	YES	0.0
09N	27E	24	NE	NW	00	BUTTE	YES	0.0
09N	27E	24	NW	NW	00	BUTTE	YES	0.0
09N	27E	23	NE	NE	00	BUTTE	YES	0.0
09N	27E	23	NW	NE	00	BUTTE	YES	0.0
09N	27E	14	SW	SE	00	BUTTE	YES	0.0
09N	27E	14	SE	SW	00	BUTTE	YES	0.0
09N	27E	14	SW	SW	00	BUTTE	YES	0.0
09N	27E	15	SE	SE	00	BUTTE	YES	0.0
09N	27E	15	SW	SE	00	BUTTE	YES	0.0
09N	27E	15	SE	SW	00	BUTTE	YES	0.0
09N	27E	22	NE	NW	00	BUTTE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1879

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:

33-10467

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:

3303480105

Stg:

J

StFed:

S

SOURCE:

Source	Tributary
HORSE CREEK	LITTLE LOST RIVER

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:

1/1/1879

Diversion Means: INSTREAM USE

REMARKS:

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
09N	27E	13	NE	NE	NE		B1	23	BUTTE
09N	27E	22	NW	NE	NW		E1	23	BUTTE

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	

CONSUMPTIVE
USE:

de minimis

stockwater use

DATE:

19-Nov-97

9:30 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	09N	27E	13	NE	NE	0	23	BUTTE
04	09N	27E	13	SE	NE	0	23	BUTTE
04	09N	27E	13	SW	NE	0	23	BUTTE
04	09N	27E	13	NW	SE	0	23	BUTTE
04	09N	27E	13	NE	SW	0	23	BUTTE
04	09N	27E	13	SE	SW	0	23	BUTTE
04	09N	27E	24	NE	NW	0	23	BUTTE
04	09N	27E	24	NW	NW	0	23	BUTTE
04	09N	27E	23	NE	NE	0	23	BUTTE
04	09N	27E	23	NW	NE	0	23	BUTTE
04	09N	27E	14	SW	SE	0	23	BUTTE
04	09N	27E	14	SE	SW	0	23	BUTTE
04	09N	27E	14	SW	SW	0	23	BUTTE
04	09N	27E	15	SE	SE	0	23	BUTTE
04	09N	27E	15	SW	SE	0	23	BUTTE
04	09N	27E	15	SE	SW	0	23	BUTTE
04	09N	27E	22	NE	NW	0	23	BUTTE

RECEIVED

NOV 19 1997

1999 JUL 12 PM 2:49

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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

) NOTICE OF ISSUANCE AND NOTICE
) OF SERVICE

Case No. 39576

)
Water Rights: See Attached Exhibit A

On July 12, 1999, Special Master Fritz X. Haemmerle issued a *Special Master's Report and 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 by the 28th day of the month following the publication of the filing of the *Special Master's Report and Recommendation* in the Docket Sheet (*AO1*, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the *Special Master's Report and Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.

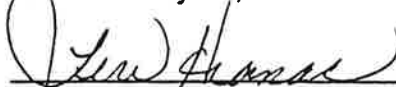
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Peter Ampe
Deputy Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

U.S. Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

DATED: July 12, 1999


Teri Hranac, Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: See Attached List
	)	

I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

The only objections to these water rights were filed by the State of Idaho which were resolved with a *Stipulation to Resolve Objections* filed July 1, 1999. The State of Idaho, the United States, and IDWR are signatories to the *Stipulation to Resolve Objections*. Both parties agreed that the priority date for these rights shall be June 28, 1934.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth attached in the *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: July 12, 1999.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

33-10463
33-10464
33-10465
33-10466
33-10467
33-10468
33-10472
33-10473
33-10474
33-10475
33-10480
33-10481
33-10482
33-10483
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33-10904

