

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 33-10472

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

SOURCE: BARNEY CREEK TRIBUTARY: SUMMIT 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: T11N R25E S23 SWNWSE (Instream Beginning Point) Within Custer County
S24 NESWSW (Instream Ending Point)
S25 SENWNE (Instream Ending Point)
NWNWNE (Instream Beginning 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 Custer County
T11N R25E S23 SWSE
S24 SESE
S25 SWSW
NWNE

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.

RECOMMENDATION

JUL 12 1999

SPECIAL MASTER

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: 3303480110
BLM NUMBER: 3303480110
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 33 -10472

A3310472



SOURCE

TRIBUTARY TO

BARNEY CREEK

SUMMIT CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM LIVESTOCK AND WILDLIFE WATERING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.090	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.100 CFS	0.00 AF		

NON-IRRIGATION USES

350 RANGE CATTLE, 200 ANTELOPE, 100 DEER, 75 ELK, SAGE GROUSE

TWP	RNG	SEC	POINT OF DIVERSION				COUNTY
			TRACT1	TRACT2	TRACT3	LOT	
11N	25E	23	SW	NW	SE	00	CUSTER
11N	25E	24	NE	SW	SW	00	CUSTER
11N	25E	25	NW	NW	NE	00	CUSTER
11N	25E	25	SE	NW	NE	00	CUSTER

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED	
							OWNED	ACRES
11N	25E	23	NW	SE	00	CUSTER	YES	0.0

MICROFILMED

APR 15 1994

BLM NUMBER: 3303480110

PAGE: 2

11N	25E	23	SW	SE	00	CUSTER	YES	0.0
11N	25E	23	SE	SE	00	CUSTER	YES	0.0
11N	25E	24	SW	SW	00	CUSTER	YES	0.0
11N	25E	25	NW	NE	00	CUSTER	YES	0.0
11N	25E	23	NW	SE	00	CUSTER	YES	0.0
11N	25E	23	SW	SE	00	CUSTER	YES	0.0
11N	25E	23	SE	SE	00	CUSTER	YES	0.0
11N	25E	24	SW	SW	00	CUSTER	YES	0.0
11N	25E	25	NW	NE	00	CUSTER	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:

33-10472

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:

3303480110

Stg:

J

StFed:

S

SOURCE:

Source	Tributary
BARNEY CREEK	SUMMIT 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:

1/1/1879

Diversion Means: INSTREAM USE

REMARKS:

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
11N	25E	23	SW	NW	SE		B1	37	CUSTER
11N	25E	24	NE	SW	SW		E1	37	CUSTER
11N	25E	25	NW	NW	NE		B2	37	CUSTER
11N	25E	25	SE	NW	NE		E2	37	CUSTER

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	11N	25E	23	NW	SE	0	37	CUSTER
04	11N	25E	23	SW	SE	0	37	CUSTER
04	11N	25E	23	SE	SE	0	37	CUSTER
04	11N	25E	24	SW	SW	0	37	CUSTER
04	11N	25E	25	NW	NE	0	37	CUSTER

RECEIVED

NOV 19 1997

Department of Water Resources

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.

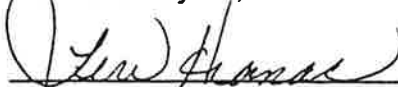
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

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

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

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

DATED: July 12, 1999


Teri Hranac, Deputy Clerk

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	)	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
33-10484
33-10485
33-10513
33-10515
33-10523
33-10531
33-10533
33-10641
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33-10649
33-10894
33-10895
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33-10901
33-10904

