

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 33-10474

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

SOURCE: SANDS CREEK TRIBUTARY: WET 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: T09N R25E S35 NWSWE (Instream Beginning Point) Within Custer County  
NESESE (Instream Ending Point)

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

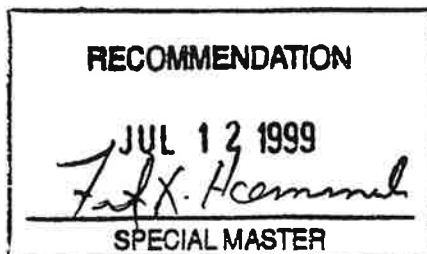
| PLACE OF USE: | Stockwater         | Within Custer County |
|---------------|--------------------|----------------------|
|               | T09N R25E S35 SESE | SWSE                 |

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: 3303480112  
BLM NUMBER: 3303480112  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 33 -10474

A3310474



SOURCE

TRIBUTARY TO

SAND CREEK

WET CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM LIVESTOCK AND WILDLIFE WATERING

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD<br>FROM | OF USE<br>TO |
|----------------|-------------------|---------------------|----------------|--------------|
| STOCKWATER     | 0.250             | 0.00                | 0101           | 1231         |
| WILDLIFE       | 0.010             | 0.00                | 0101           | 1231         |
| TOTAL:         | 0.260 CFS         | 0.00 AF             |                |              |

NON-IRRIGATION USES

1,153 RANGE CATTLE, 200 ANTELOPE, 100 DEER, 100 ELK, SAGE GROUSE

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| 09N                | 25E | 35  | NW     | SW     | SE     | 00  | CUSTER |
| 09N                | 25E | 35  | NE     | SE     | SE     | 00  | CUSTER |

PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED | ACRES |
|-----|-----|-----|--------|--------|-----|--------|--------------------|-------|
| 09N | 25E | 35  | SW     | SE     | 00  | CUSTER | YES                | 0.0   |

MICROFILMED  
APR 15 1994

BLM NUMBER: 3303480112

PAGE: 2

|     |     |    |    |    |    |        |     |     |
|-----|-----|----|----|----|----|--------|-----|-----|
| 09N | 25E | 35 | SE | SE | 00 | CUSTER | YES | 0.0 |
| 09N | 25E | 35 | SW | SE | 00 | CUSTER | YES | 0.0 |
| 09N | 25E | 35 | SE | SE | 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:

33-10474

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:

3303480112

Stg:

J

StFed:

S

SOURCE:

| Source     | Tributary |
|------------|-----------|
| SAND CREEK | WET 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 |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 09N      | 25E   | 35      | NW | SW | SE |     | B1  | 37         | CUSTER    |
| 09N      | 25E   | 35      | NE | SE | SE |     | E1  | 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        | 09N  | 25E | 35  | SW | SE | 0   | 37         | CUSTER    |
| 04        | 09N  | 25E | 35  | SE | SE | 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 28<sup>th</sup> 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.

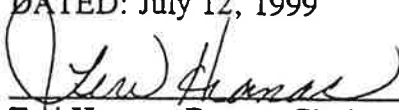
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

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 |
|                | ) |                                     |

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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  
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33-10904

