

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 33-10904

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

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

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: T07N R27E S02 NESESE (Instream Ending Point) Within Butte County
T08N R27E S26 SESWSW (Instream Ending Point)
S27 NENENE (Instream Beginning Point)
S35 NWNESW (Instream Beginning Point)
SWNENW (Instream Ending Point)
NWNENW (Instream Beginning Point)

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

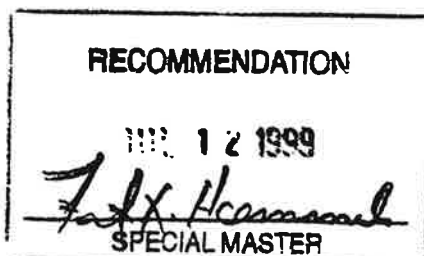
PLACE OF USE: Stockwater Within Butte County
T07N R27E S02 SWNE SESE
SENE NWNE
NESE
T08N R27E S26 SWSW NWSW
S27 NENE NESE
SENE
S35 SWSE NESW
NENW SESW

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

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

Case No. 39576

)
)
)
**NOTICE OF ISSUANCE AND NOTICE
OF SERVICE**

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.

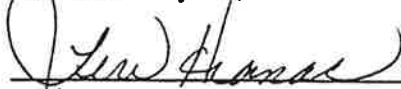
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

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
33-10643
33-10644
33-10649
33-10894
33-10895
33-10896
33-10898
33-10899
33-10901
33-10904

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

NEW

AMENDED NOTICE of CLAIM for
Water Right number:

33-10904

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:

3303480366

Stg:

J

StFed:

S

SOURCE:

Source	Tributary
LITTLE LOST RIVER	SINKS

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:

ASSOCIATED WITH 3303488011

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
08N	27E	27	NE	NE	NE		B1	23	BUTTE
08N	27E	26	SE	SW	SW		E1	23	BUTTE
08N	27E	35	NW	NE	NW		B2	23	BUTTE
08N	27E	35	SW	NE	NW		E2	23	BUTTE
08N	27E	35	NW	NE	SW		B3	23	BUTTE
07N	27E	2	NE	SE	SE		E3	23	BUTTE

PURPOSE
and
PERIOD
OF USE:

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

CONSUMPTIVE
USE:

de minimis stockwater use

DATE: 19-Nov-97 9:30 AM

RECEIVED

NOV 19 1997

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. Department of Water Resources

PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the County of
04	08N	27E	27	NE	NE	0	23 BUTTE
04	08N	27E	27	SE	NE	0	23 BUTTE
04	08N	27E	27	NE	SE	0	23 BUTTE
04	08N	27E	26	NW	SW	0	23 BUTTE
04	08N	27E	26	SW	SW	0	23 BUTTE
04	08N	27E	35	NE	NW	0	23 BUTTE
04	08N	27E	35	NE	SW	0	23 BUTTE
04	08N	27E	35	SE	SW	0	23 BUTTE
04	08N	27E	35	SW	SE	0	23 BUTTE
04	07N	27E	2	NW	NE	0	23 BUTTE
04	07N	27E	2	SW	NE	0	23 BUTTE
04	07N	27E	2	SE	NE	0	23 BUTTE
04	07N	27E	2	NE	SE	0	23 BUTTE
04	07N	27E	2	SE	SE	0	23 BUTTE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-14-1998

PAGE: A-37

 RIGHTS FROM: SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 33-10904

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
 USDI BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE ID 83709-1657

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1879

POINT OF DIVERSION:	T08N R27E S27	NENENE	(INSTREAM BEGINNING POINT)	Within BUTTE County
	S35	NWNENW	(INSTREAM BEGINNING POINT)	
		NWNESW	(INSTREAM BEGINNING POINT)	
	T07N R27E S02	NESESE	(INSTREAM ENDING POINT)	
	T08N R27E S26	SESWSW	(INSTREAM ENDING POINT)	
	S35	SWNENW	(INSTREAM ENDING POINT)	

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

PLACE OF USE:	STOCKWATER	Within BUTTE County		
	T07N R27E S02	NWNE	SWNE	SENE NESE
		SESE		
	T08N R27E S26	NWSW	SWSW	
	S27	NENE	SENE	NESE
	S35	NENW	NESW	SESW 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
 BLM RECORD ID = 3303480366
 ASSOCIATED WITH 3303488011

✓ OK
 Rbt
 11/15/98