2003 JAN 30 AM 11: 15
CLERK 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 EXHIBIT A BASIN 69)**

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. 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 or abstract for the elements of this water right.

On September 17, 1999, an objection was filed to the above listed water rights by Pickett Ranch & Sheep Co, Western Stockgrowers Assoc., Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke, Jared Bedke, Scott Bedke, Bruce Bedke, Jerry Hoagland and Joyce Livestock Company. On August 29, 2001, the parties filed a *Stipulation and Joint Motion for Order Approving Stipulation, Notice of Withdrawal of Ojbectgions and Responses* filed by Semanko for Bruce Bedke et al, *Notice of Withdrawal of Ojbections and Responses* filed by Semanko for Western Stockgrowers et al. On September 18, 2002, an ***Order Dismissing Objections and Responses with Prejudice; and Order Dimsissing Parties*** was issued. On October 2, 2002, Special Master Cushman issued an ***Order Setting Dealdine for Motions and Standard Form 5's.*** The ***Order*** stated "If no Standard Forms 5 are filed, the rights listed on Exhibit A will be recommended as in the Director's Report."

II. CONCLUSIONS OF LAW

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

DATED January 30, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

SCANNED
FEB 0 3 2003

EXHIBIT A BASIN 69

Subcase Nos:

69-04028	69-04089	69-10143	69-10198	69-10252	69-11444
69-04029	69-04090	69-10144	69-10199	69-10253	69-11445
69-04030	69-04093	69-10145	69-10200	69-10254	69-11446
69-04031	69-04094	69-10146	69-10201	69-10255	69-11447
69-04032	69-04097	69-10147	69-10202	69-10256	69-11448
69-04034	69-04098	69-10148	69-10203	69-10257	69-11449
69-04035	69-04101	69-10149	69-10204	69-10258	69-11450
69-04036	69-07051	69-10150	69-10205	69-10259	69-11451
69-04037	69-07061	69-10151	69-10207	69-10261	69-11452
69-04038	69-07067	69-10152	69-10208	69-10262	69-11453
69-04039	69-07068	69-10153	69-10209	69-10263	69-11454
69-04040	69-07069	69-10154	69-10210	69-10264	69-11455
69-04041	69-07076	69-10156	69-10211	69-10266	69-11456
69-04042	69-10100	69-10157	69-10212	69-10267	69-11457
69-04043	69-10101	69-10159	69-10213	69-10268	69-11458
69-04044	69-10102	69-10160	69-10214	69-10269	69-11459
69-04045	69-10104	69-10162	69-10215	69-10270	69-11460
69-04046	69-10105	69-10163	69-10217	69-10271	69-11461
69-04047	69-10106	69-10164	69-10218	69-10272	69-11462
69-04048	69-10107	69-10165	69-10219	69-10273	69-11463
69-04049	69-10108	69-10166	69-10220	69-10274	
69-04050	69-10109	69-10167	69-10221	69-10275	
69-04052	69-10111	69-10168	69-10223	69-10276	
69-04053	69-10112	69-10169	69-10224	69-11404	
69-04054	69-10113	69-10170	69-10225	69-11411	
69-04055	69-10114	69-10171	69-10226	69-11413	
69-04056	69-10115	69-10172	69-10228	69-11414	
69-04057	69-10116	69-10173	69-10229	69-11415	
69-04059	69-10117	69-10175	69-10230	69-11418	
69-04060	69-10118	69-10176	69-10231	69-11420	
69-04061	69-10120	69-10177	69-10232	69-11421	
69-04062	69-10121	69-10178	69-10233	69-11422	
69-04063	69-10122	69-10179	69-10234	69-11424	
69-04064	69-10123	69-10180	69-10235	69-11425	
69-04065	69-10124	69-10181	69-10236	69-11426	
69-04067	69-10125	69-10182	69-10237	69-11427	
69-04068	69-10126	69-10183	69-10238	69-11428	
69-04069	69-10127	69-10184	69-10239	69-11429	
69-04071	69-10128	69-10185	69-10240	69-11430	
69-04073	69-10131	69-10186	69-10241	69-11433	
69-04074	69-10132	69-10187	69-10242	69-11434	
69-04075	69-10133	69-10188	69-10243	69-11435	
69-04076	69-10134	69-10189	69-10244	69-11436	
69-04077	69-10135	69-10190	69-10245	69-11437	
69-04078	69-10136	69-10191	69-10246	69-11438	
69-04082	69-10137	69-10192	69-10247	69-11439	
69-04083	69-10138	69-10193	69-10248	69-11440	
69-04084	69-10139	69-10194	69-10249	69-11441	
69-04087	69-10140	69-10195	69-10250	69-11442	
69-04088	69-10141	69-10196	69-10251	69-11443	

(Subcase list: TCB69UNCON)
1/30/03

SCANNED
FEB 0 3 2003

2003 JAN 30 AM 11:15

CLERK 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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 69-04028 (SEE ATTACHED EXHIBIT A)

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 January 30, 2003, with sufficient first-class postage prepaid to the following:

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

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

Debbie Lash
DEBBIE LASH
Deputy Clerk

SCANNED

FEB 0 3 2003

2003 JAN 30 AM 11:15

CLERK-SRBA
TWIN FALLS CO., IDAHO

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): 69-04028 (SEE ATTACHED EXHIBIT A)

On January 30, 2003, Special Master THOMAS R CUSHMAN 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 January 30, 2003.

DEBBIE LASH
Deputy Clerk

SCANNED

FEB 0 3 2003

2003 JAN 30 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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 69-10199

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: WICKIUP CREEK TRIBUTARY: BEAR CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1895

POINT OF DIVERSION:

T19N R03W S03	SESW	(Instream Beginning Point) Within Adams County
S16	NESE	(Instream Ending Point)

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	06-01 TO 11-30	0.02 CFS

PLACE OF USE: Stockwater

		Within Adams County
T19N R03W S03	SWSW	SESW
S09	SENE	NESE
	SESE	
S10	NWNW	SWNW
S16	NENE	SENE
	NESE	

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.

_____
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
JAN 30 2003
SPECIAL MASTER