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DISTRICT COURT  
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 79) |

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 Objections and Responses* filed by Semanko for Bruce Bedke et al, *Notice of Withdrawal of Objections and Responses* filed by Semanko for Western Stockgrowers et al. On September 18, 2002, an *Order Dismissing Objections and Responses with Prejudice; and Order Dismissing Parties* was issued. On October 2, 2002, Special Master Cushman issued an *Order Setting Deadline 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 February 3, 2003.



THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

## EXHIBIT A BASIN 79

Subcase Nos:

|          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|
| 79-04133 | 79-04211 | 79-04322 | 79-10448 | 79-10523 | 79-10660 |
| 79-04134 | 79-04212 | 79-04324 | 79-10449 | 79-10524 | 79-10661 |
| 79-04138 | 79-04213 | 79-04325 | 79-10450 | 79-10528 | 79-10662 |
| 79-04139 | 79-04215 | 79-04327 | 79-10451 | 79-10529 | 79-10663 |
| 79-04141 | 79-04216 | 79-04328 | 79-10452 | 79-10530 | 79-10664 |
| 79-04143 | 79-04217 | 79-04329 | 79-10454 | 79-10531 | 79-10665 |
| 79-04144 | 79-04219 | 79-04330 | 79-10455 | 79-10537 | 79-10666 |
| 79-04147 | 79-04229 | 79-04332 | 79-10456 | 79-10538 | 79-10668 |
| 79-04149 | 79-04230 | 79-04333 | 79-10457 | 79-10539 | 79-10669 |
| 79-04155 | 79-04231 | 79-04334 | 79-10458 | 79-10540 | 79-10670 |
| 79-04156 | 79-04232 | 79-04335 | 79-10459 | 79-10542 | 79-10671 |
| 79-04157 | 79-04234 | 79-04336 | 79-10483 | 79-10543 | 79-10672 |
| 79-04159 | 79-04235 | 79-04337 | 79-10484 | 79-10544 | 79-10673 |
| 79-04160 | 79-04236 | 79-04338 | 79-10485 | 79-10545 | 79-10674 |
| 79-04162 | 79-04237 | 79-04339 | 79-10486 | 79-10546 | 79-10678 |
| 79-04163 | 79-04238 | 79-04340 | 79-10487 | 79-10547 | 79-10679 |
| 79-04164 | 79-04239 | 79-04341 | 79-10488 | 79-10548 | 79-10680 |
| 79-04165 | 79-04240 | 79-04342 | 79-10489 | 79-10549 | 79-10683 |
| 79-04166 | 79-04243 | 79-04343 | 79-10490 | 79-10550 | 79-10684 |
| 79-04168 | 79-04244 | 79-04344 | 79-10491 | 79-10551 | 79-10692 |
| 79-04169 | 79-04272 | 79-04345 | 79-10492 | 79-10552 | 79-10695 |
| 79-04170 | 79-04274 | 79-04346 | 79-10493 | 79-10553 | 79-10700 |
| 79-04172 | 79-04275 | 79-04347 | 79-10494 | 79-10554 | 79-10701 |
| 79-04174 | 79-04276 | 79-04348 | 79-10495 | 79-10555 | 79-10702 |
| 79-04175 | 79-04277 | 79-04350 | 79-10497 | 79-10556 | 79-10703 |
| 79-04178 | 79-04278 | 79-04351 | 79-10498 | 79-10557 | 79-10704 |
| 79-04179 | 79-04279 | 79-04352 | 79-10499 | 79-10558 | 79-10705 |
| 79-04180 | 79-04280 | 79-04353 | 79-10500 | 79-10559 | 79-10706 |
| 79-04181 | 79-04281 | 79-04354 | 79-10501 | 79-10563 | 79-10707 |
| 79-04182 | 79-04282 | 79-04355 | 79-10502 | 79-10568 | 79-10708 |
| 79-04183 | 79-04291 | 79-04356 | 79-10503 | 79-10569 | 79-10714 |
| 79-04185 | 79-04292 | 79-04357 | 79-10504 | 79-10571 | 79-10715 |
| 79-04186 | 79-04294 | 79-04358 | 79-10505 | 79-10572 | 79-10716 |
| 79-04187 | 79-04296 | 79-04359 | 79-10506 | 79-10573 | 79-10719 |
| 79-04190 | 79-04297 | 79-04360 | 79-10507 | 79-10575 | 79-10720 |
| 79-04191 | 79-04298 | 79-04361 | 79-10508 | 79-10577 | 79-10722 |
| 79-04192 | 79-04299 | 79-04362 | 79-10509 | 79-10609 | 79-13634 |
| 79-04193 | 79-04301 | 79-04363 | 79-10510 | 79-10611 | 79-13635 |
| 79-04194 | 79-04302 | 79-04365 | 79-10511 | 79-10612 | 79-13636 |
| 79-04195 | 79-04303 | 79-04366 | 79-10512 | 79-10613 | 79-13637 |
| 79-04196 | 79-04305 | 79-10438 | 79-10513 | 79-10624 | 79-13639 |
| 79-04198 | 79-04306 | 79-10439 | 79-10514 | 79-10625 | 79-13640 |
| 79-04201 | 79-04309 | 79-10440 | 79-10515 | 79-10627 | 79-13641 |
| 79-04202 | 79-04310 | 79-10441 | 79-10516 | 79-10629 | 79-13644 |
| 79-04203 | 79-04313 | 79-10442 | 79-10517 | 79-10651 | 79-13645 |
| 79-04204 | 79-04315 | 79-10443 | 79-10518 | 79-10653 | 79-13646 |
| 79-04205 | 79-04316 | 79-10444 | 79-10519 | 79-10654 | 79-13647 |
| 79-04206 | 79-04318 | 79-10445 | 79-10520 | 79-10655 | 79-13648 |
| 79-04207 | 79-04319 | 79-10446 | 79-10521 | 79-10658 | 79-13649 |
| 79-04208 | 79-04321 | 79-10447 | 79-10522 | 79-10659 | 79-13651 |

(Subcase list: TCB79UNCON)

1/31/03

Exhibit A

Subcase Nos:

79-13652  
79-13653  
79-13654  
79-13655  
79-13656  
79-13657  
79-13658  
79-13659  
79-13660  
79-13661  
79-13663  
79-13664  
79-13667  
79-13679

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In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 79-04133  
(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 February 03, 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  
Deputy Clerk

CERTIFICATE OF MAILING

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Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 79-04133  
(SEE ATTACHED EXHIBIT A)

On February 03, 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 February 03, 2003.

  
DEBBIE LASH  
Deputy Clerk