2003 FEB 03 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 79-04340

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

SOURCE: FISH DAM SPRING TRIBUTARY: CHINA CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T26N R01E S32 NWNE Within Idaho County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	05-01 TO 11-30	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T26N R01E S32 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.

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
FEB 3 2003
SPECIAL MASTER

2003 FEB -3 PM 2:15
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 79)**
	)	

I. FINDINGS OF FACT

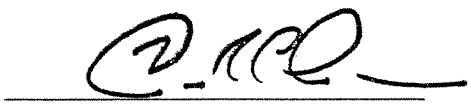
A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

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 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 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

2003 FEB -3 PM 2:15

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): 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

2003 FEB -3 PM 2:15
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 OF SPECIAL MASTER'S RECOMMENDATION
Case No. 39576	)	
	)	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

DEBBIE LASH
Deputy Clerk