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Department of Water Resources

2003 MAY 16 PM 3:55
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 AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW**
Case No. 39576	)	
	)	**WATER RIGHT NOS.: EXHIBIT A (Basin 37 (126) STIP RESLVE FILE #201)**

I. FINDINGS OF FACT

Claims were 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 recommendations for the elements of these water rights.

Objections were filed by the United States Bureau of Land Management and Pickett Ranch & Sheep Co., Joe Tugaw, Jared Bedke, Bruce Bedke, Joyce Livestock Company, Jerry Hoagland, Scott Bedke, Karl Bedke, Michael Poulton, Gary Poulton and Western Stockgrowers Association. A *Response* was filed by Flying Triangle, Inc.

A *Notice of Withdrawal of Objections* was filed by Pickett Ranch & Sheep Co., Bruce Bedke, Jared Bedke, Joyce Livestock and Jerry Hoagland. The remaining *Objections* and *Response* were resolved on March 19, 2003 with the filing of a *Stipulation to Resolve Objections and Responses*. All parties to the subcase and IDWR are signatories to the *Stipulation to Resolve Objections and Responses*. There are no unresolved objections or responses remaining in these subcases.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached ***Special Master's Recommendations for Partial Decrees.***

DATED: May 16, 2003

BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

EXHIBIT A B37(126)STIPRESLVE F#201

Subcase Nos:

37-02809	37-02980	37-08024
37-02811	37-02981	37-08052
37-02813	37-02994	37-08188
37-02817	37-03002	37-08191
37-02821	37-03003	37-08242
37-02830	37-03004	37-08243
37-02836	37-03005	37-08319
37-02837	37-03006	
37-02848	37-03007	
37-02851	37-03008	
37-02852	37-03009	
37-02856	37-03023	
37-02867	37-03024	
37-02872	37-03027	
37-02884	37-03037	
37-02885	37-03038	
37-02886	37-03044	
37-02887	37-03055	
37-02896	37-03058	
37-02914	37-03059	
37-02915	37-03065	
37-02917	37-03084	
37-02918	37-03085	
37-02919	37-03086	
37-02920	37-03111	
37-02921	37-03113	
37-02922	37-03118	
37-02923	37-03119	
37-02924	37-03122	
37-02928	37-03123	
37-02929	37-03124	
37-02930	37-03125	
37-02934	37-03127	
37-02936	37-03128	
37-02937	37-03129	
37-02942	37-03133	
37-02945	37-03134	
37-02949	37-03147	
37-02950	37-03159	
37-02951	37-07128	
37-02954	37-07129	
37-02955	37-07131	
37-02956	37-07132	
37-02959	37-07317	
37-02966	37-08017	
37-02968	37-08018	
37-02975	37-08019	
37-02976	37-08020	
37-02977	37-08022	
37-02979	37-08023	

(Subcase list: STPFILE201)
5/15/03

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In Re SRBA Case No. 39576	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION Water Right(s): 37-02809 (SEE ATTACHED EXHIBIT A)

On May 16, 2003, Special Master BRIGETTE BILYEU 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 May 16, 2003.

Janet Connell

JANET CONNELL
Deputy Clerk

Exhibit A

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37-02851	37-03008	
37-02852	37-03009	
37-02856	37-03023	
37-02867	37-03024	
37-02872	37-03027	
37-02884	37-03037	
37-02885	37-03038	
37-02886	37-03044	
37-02887	37-03055	
37-02896	37-03058	
37-02914	37-03059	
37-02915	37-03065	
37-02917	37-03084	
37-02918	37-03085	
37-02919	37-03086	
37-02920	37-03111	
37-02921	37-03113	
37-02922	37-03118	
37-02923	37-03119	
37-02924	37-03122	
37-02928	37-03123	
37-02929	37-03124	
37-02930	37-03125	
37-02934	37-03127	
37-02936	37-03128	
37-02937	37-03129	
37-02942	37-03133	
37-02945	37-03134	
37-02949	37-03147	
37-02950	37-03159	
37-02951	37-07128	
37-02954	37-07129	
37-02955	37-07131	
37-02956	37-07132	
37-02959	37-07317	
37-02966	37-08017	
37-02968	37-08018	
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In Re SRBA Case No. 39576	CERTIFICATE OF MAILING Water Right(s): 37-02809 (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 May 16, 2003, with sufficient first-class postage prepaid to the following:

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

FLYING TRIANGLE INC
GARY POULTON
JOE TUGAW
KARL U (BUD) BEDKE
MICHAEL POULTON
SCOTT BEDKE
WESTERN STOCKGROWERS ASSN
Represented by:
NORMAN M. SEMANKO
ATTORNEY AT LAW
205 N 10TH ST, STE 530
BOISE, ID 83702
Phone: 208-344-6690

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

JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

Exhibit A

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37-02919	37-03086	
37-02920	37-03111	
37-02921	37-03113	
37-02922	37-03118	
37-02923	37-03119	
37-02924	37-03122	
37-02928	37-03123	
37-02929	37-03124	
37-02930	37-03125	
37-02934	37-03127	
37-02936	37-03128	
37-02937	37-03129	
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37-02945	37-03134	
37-02949	37-03147	
37-02950	37-03159	
37-02951	37-07128	
37-02954	37-07129	
37-02955	37-07131	
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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 37-02937

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Department of Water Resources

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

SOURCE: UNNAMED STREAM TRIBUTARY: EAST DEMPSEY CREEK

QUANTITY: 0.50 AFY

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

PRIORITY DATE: 03/29/1962

POINT OF DIVERSION: T03S R12E S21 SENWNW Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater from Storage	06-01 TO 08-01	0.50 AFY
Stockwater Storage	06-01 TO 08-01	0.50 AFY

PLACE OF USE:

Stockwater Storage Within Gooding County
T03S R12E S21 NWNW

Stockwater from Storage Within Gooding County
T03S R12E S21 NWNW

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.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND WESTERN STOCKGROWERS ASSOCIATION, ET AL.; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

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.

RECOMMENDATION
MAY 16 2003
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication