

2003 MAY 22 AM 10:31

DISTRICT COURT-2RBA
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 69-10049,
	)	69-11493 and 69-11494

I. FINDINGS OF FACT

A notice of claim was filed for water right 69-10049 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 May 24, 1999, an objection was filed by United States of America, Bureau of Land Management. On January 21, 2000, responses were filed by Pickett Ranch & Sheep Co, Western Stockgrowers Assoc., Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke, Jared Bedke, Scott Bedke, Bruce Bedke, Jerry Hoagland, Flying Triangle, Inc., Willis Deveny, Luther Gardner, Eugene Mathews, Shoulders 3 Ranches, A L Cattle Inc. 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."

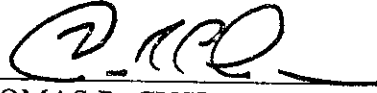
Subsequently, on January 28, 2003, a *Standard Form 5/Amended Claim* was filed recommending that water right 69-10049 be split into water rights 69-11493 and 69-11494. An objection deadline was set for February 28, 2003. The objection deadline did follow the docket sheet procedure. No objections were filed and the time for filing has expired. Water right 69-10049 had

been recommended disallowed by the Idaho Department of Water Resources.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 69-10049 be **decreed disallowed** and water rights 69-11493 and 69-11494 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 22, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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In Re SRBA

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s): 69-10049
69-11493 69-11494

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 22, 2003, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
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A L CATTLE INC
BRUCE BEDKE
EUGENE MATHEWS
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JOE TUGAW
JOYCE LIVESTOCK
KARL (BUD) BEDKE
LAWRENCE RANCH INC
LUTHER GARDNER
MICHAEL POULTON
PICKETT RANCH & SHEEP CO.
SCOTT BEDKE
SHOULDERS 3 RANCHES INC
WESTERN STOCK GROWERS ASSOC
WILLIS D & BETTY G DEVENY

Represented by:

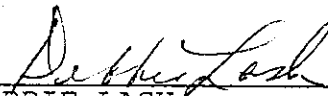
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US DEPARTMENT OF JUSTICE
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LAWRENCE RANCH INC
666 LAWRENCE RANCH LN
WEISER, ID 83672


DEBBIE LASH
Deputy Clerk

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