

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 |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
| _____          | ) | WATER RIGHT NOS.: EXHIBIT A |
|                | ) | (SF5 filed (23) 4/30/03)    |

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 State of Idaho on June 2, 1999. Objections were filed by 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 on September 10, 1999. A *Response* was filed by Flying Triangle, Inc. on January 5, 2000.

A *Notice of Withdrawal of Objections and Responses* was filed by Jared Bedke, Bruce Bedke, Joyce Livestock Company and Jerry Hoagland on August 29, 2002. The remaining *Objections* and *Reponse* were resolved with the filing of *Standard Forms 5* on April 30, 2003. All parties to the subcases and IDWR are signatories to the *Standard Forms 5*. 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 29, 2003.

  
\_\_\_\_\_  
BRIGETTE BILYEU, Special Master  
Snake River Basin Adjudication

EXHIBIT A (23) SF5 FILED 4/30/03

Subcase Nos:

37-14417  
37-14418  
37-14419  
37-14422  
37-14423  
37-14425  
37-14426  
37-14428  
37-14436  
37-14443  
37-14445  
37-14447  
37-14449  
37-14455  
37-14457  
37-14458  
37-17222  
37-17223  
37-17225  
37-17226  
37-17326  
37-17330  
37-17331

2003 MAY 29 PM 2: 21

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 37-14417  
(SEE ATTACHED EXHIBIT A)

On May 29, 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 29, 2003.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

Exhibit A

Subcase Nos:

37-14417  
37-14418  
37-14419  
37-14422  
37-14423  
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37-14428  
37-14436  
37-14443  
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37-14447  
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37-17330  
37-17331

2003 MAY 29 PM 2:21

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): 37-14417  
(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 29, 2003, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

PAGE 1  
05/29/03

FLYING TRIANGLE INC  
GARY POULTON  
JOE TUGAW  
KARL U (BUD) BEDKE  
MICHAEL POULTON  
PICKETT RANCH & SHEEP CO  
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

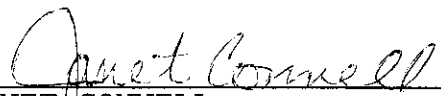
  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

Exhibit A

Subcase Nos:

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
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In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-14449

2003 MAY 29 PM 2:20  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

SOURCE: UNNAMED STREAM TRIBUTARY: WILLOW CREEK

QUANTITY: 0.02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 37-  
20456 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02  
CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T01N R16E S09 NWSEW (Instream Ending Point) Within Camas County  
NWSWE (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Camas County  
T01N R16E S09 SESW SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

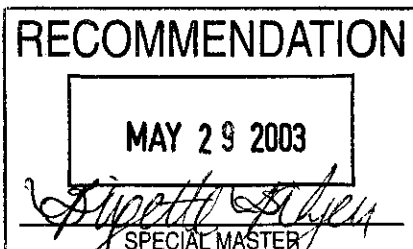
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 FLYING  
TRIANGLE INC., FILED IN THE OFFICE OF THE CAMAS COUNTY RECORDER  
AND RECORDED ON NOVEMBER 19, 2002 AS INSTRUMENT NO: 075707; 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.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication