

2003 JUN 11 PM 2:12

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           |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW           |
|                | ) |                                       |
|                | ) | WATER RIGHT NOS.: EXHIBIT A           |
| _____          | ) | (Basin 37 (234) STIP RESLV2 File 183) |

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, 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 Bruce Bedke, Jared Bedke, Joyce Livestock and Jerry Hoagland. The State of Idaho filed a *Stipulation to resolve the State of Idaho's Objection*. 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: June 11, 2003

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

## EXHIBIT A

STIPRESLV2 FILE 183

## Subcase Nos:

|          |          |
|----------|----------|
| 37-14427 | 37-18093 |
| 37-14456 | 37-18102 |
| 37-14460 | 37-18103 |
| 37-14461 | 37-18117 |
| 37-14466 | 37-18119 |
| 37-16481 | 37-18129 |
| 37-17286 | 37-18135 |
| 37-17327 | 37-18136 |
| 37-17329 | 37-18191 |
| 37-17332 | 37-18192 |
| 37-17616 | 37-18193 |
| 37-17621 | 37-18225 |
| 37-17623 | 37-18230 |
| 37-17633 | 37-18260 |
| 37-17639 | 37-18261 |
| 37-17643 | 37-18262 |
| 37-17655 |          |
| 37-17656 |          |
| 37-17657 |          |
| 37-17659 |          |
| 37-17660 |          |
| 37-17672 |          |
| 37-17673 |          |
| 37-17684 |          |
| 37-17687 |          |
| 37-17692 |          |
| 37-17694 |          |
| 37-17696 |          |
| 37-17702 |          |
| 37-17703 |          |
| 37-17705 |          |
| 37-17706 |          |
| 37-17720 |          |
| 37-17739 |          |
| 37-17740 |          |
| 37-17742 |          |
| 37-17760 |          |
| 37-18017 |          |
| 37-18062 |          |
| 37-18069 |          |
| 37-18071 |          |
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| 37-18083 |          |
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| 37-18087 |          |
| 37-18088 |          |
| 37-18091 |          |
| 37-18092 |          |

(Subcase list: B37F183STP)

6/06/03

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 37-14427  
(SEE ATTACHED EXHIBIT A)

On June 11, 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 June 11, 2003.

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

Exhibit A

Subcase Nos:

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| 37-17639 | 37-18261 |
| 37-17643 | 37-18262 |
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| 37-17684 |          |
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| 37-17702 |          |
| 37-17703 |          |
| 37-17705 |          |
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In Re SRBA )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 37-14427

(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 June 11, 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  
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

CERTIFICATE OF MAILING

PAGE 1  
06/11/03

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

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| 37-18091 |          |
| 37-18092 |          |

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 37-18062

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

SOURCE: UNNAMED STREAM TRIBUTARY: CLOVER CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T04S R13E S20 LOT 4 (NWSWSW) (Instream Beginning Point) Within Gooding County  
S30 NWNENE (Instream Ending Point)

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

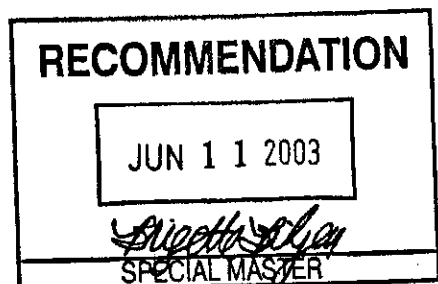
PLACE OF USE: Stockwater Within Gooding County  
T04S R13E S19 LOT 7 (SESE)  
S20 LOT 4 (SWSW)  
S30 NENE

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 PROVISION 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