2003 JUN 11 PM 1:36
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 (234) STIP RESLV2 File 194)**

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 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 194

Subcase Nos:

37-18302	37-18629	37-18909	37-19597
37-18303	37-18630	37-18911	37-19600
37-18334	37-18631	37-18912	37-19616
37-18355	37-18656	37-18946	37-19629
37-18357	37-18658	37-18962	37-19639
37-18358	37-18698	37-18967	37-19640
37-18359	37-18702	37-18968	37-19644
37-18360	37-18711	37-18969	37-19645
37-18460	37-18712	37-18974	37-19646
37-18461	37-18713	37-19090	37-19649
37-18462	37-18716	37-19107	37-19650
37-18463	37-18718	37-19164	37-19651
37-18464	37-18719	37-19167	37-19652
37-18480	37-18721	37-19185	37-19670
37-18485	37-18734	37-19205	37-20252
37-18486	37-18743	37-19208	37-20261
37-18487	37-18744	37-19209	
37-18488	37-18745	37-19210	
37-18489	37-18746	37-19215	
37-18490	37-18747	37-19325	
37-18491	37-18763	37-19401	
37-18492	37-18765	37-19416	
37-18512	37-18766	37-19417	
37-18513	37-18786	37-19445	
37-18516	37-18787	37-19452	
37-18518	37-18789	37-19458	
37-18522	37-18790	37-19460	
37-18525	37-18806	37-19461	
37-18529	37-18814	37-19488	
37-18532	37-18818	37-19489	
37-18533	37-18822	37-19490	
37-18534	37-18835	37-19497	
37-18535	37-18840	37-19498	
37-18536	37-18847	37-19499	
37-18543	37-18850	37-19515	
37-18545	37-18859	37-19518	
37-18547	37-18860	37-19519	
37-18551	37-18868	37-19520	
37-18552	37-18873	37-19524	
37-18553	37-18875	37-19525	
37-18563	37-18882	37-19531	
37-18565	37-18883	37-19532	
37-18579	37-18884	37-19533	
37-18580	37-18885	37-19534	
37-18588	37-18886	37-19535	
37-18594	37-18888	37-19536	
37-18595	37-18889	37-19538	
37-18609	37-18890	37-19539	
37-18613	37-18900	37-19540	
37-18614	37-18901	37-19547	

(Subcase list: B37F194STP)
6/06/03

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U.S. 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): 37-18302 (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

JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

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In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
	)	Water Right(s): 37-18302 (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

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

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
JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

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DISTRICT COURT - SRBA
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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 37-18334

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

SOURCE: BLACK CANYON CREEK TRIBUTARY: DRY 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 R14E	S14	NENWNW	(Instream Beginning Point) Within Gooding County
	S22	SENENE	(Instream Ending Point)

PURPOSE AND 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 R14E	S14	NWNW	SWNW
	S15	NESE	SESE
	S22	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 THE 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.

RECOMMENDATION
JUN 11 2003
SPECIAL MASTER

_____
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication